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ONTARIO

# STATUTES

OF THE

## PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD AT TORONTO IN THE

Nineteenth Year of the  
Reign of Her Majesty  
QUEEN ELIZABETH II

Being the Third Session of the Twenty-Eighth  
Legislature of Ontario

CONVENED ON THE 24<sup>TH</sup> DAY OF FEBRUARY, 1970, AND  
PROROGUED ON THE 13<sup>TH</sup> DAY OF NOVEMBER, 1970

---

HIS HONOUR W. ROSS MACDONALD  
LIEUTENANT GOVERNOR

---

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER  
1970



ONTARIO

# STATUTES

OF THE

## PROVINCE OF ONTARIO

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QUEEN ELIZABETH II

Being the Third Edition of the Twenty-Eighth  
 Legislature of Ontario

PRINTED BY THE KING'S PRINTER, 1971  
 TORONTO

HIS HONOUR W. M. MACDONALD  
 CHIEF JUSTICE

TORONTO

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PART I  
PUBLIC ACTS

Chapters 1 to 136





# 19 ELIZABETH II

## CHAPTER 1

### An Act to amend The Reciprocal Enforcement of Maintenance Orders Act

*Assented to March 19th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *c* of section 1 of *The Reciprocal Enforcement of Maintenance Orders Act* is amended by striking out "of" <sup>R.S.O. 1960, c. 346, s. 1, cl. *c*, amended</sup> where it occurs the first time in the first line and inserting in lieu thereof "or", so that the clause shall read as follows:

(*c*) "maintenance order" means an order or certificate of a court for the periodical payment of money as alimony or as maintenance.

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

**3.** This Act may be cited as *The Reciprocal Enforcement of Maintenance Orders Amendment Act, 1970*. <sup>Short title</sup>



## CHAPTER 2

**An Act to amend  
The Proceedings Against the Crown Act, 1962-63**

*Assented to March 19th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *e* of subsection 2 of section 2 of *The Proceedings Against the Crown Act, 1962-63* is amended by striking out <sup>1962-63, c. 109, s. 2, subs. 2, cl. *e*, amended</sup> “*The Division Courts Act* or” in the first and second lines, so that the clause shall read as follows:

(*e*) authorizes proceedings against the Crown under *The Master and Servant Act.* R.S.O. 1960, c. 230

**2.** *The Proceedings Against the Crown Act, 1962-63* is <sup>1962-63, c. 109, amended</sup> amended by adding thereto the following section:

8a. Except as otherwise provided in this Act and subject <sup>Proceedings in division courts</sup> to any enactment limiting the jurisdiction of division courts, proceedings against the Crown may be instituted in a division court and proceeded with in accordance with *The Division Courts Act* and the <sup>R.S.O. 1960, c. 110</sup> rules thereunder.

**3.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. ment

**4.** This Act may be cited as *The Proceedings Against the Crown Amendment Act, 1970.* Short title



## CHAPTER 3

## An Act to amend The Labour Relations Act

*Assented to March 19th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 1 of *The Labour Relations Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 202, s. 1,  
subs. 1,  
amended

(ga) “member”, when used with reference to a trade union, includes a person who,

(i) has applied for membership in the trade union, and

(ii) has paid to the trade union on his own behalf an amount of at least \$1 in respect of initiation fees or monthly dues of the trade union,

and “membership” has a corresponding meaning.

**2.** Section 77 of *The Labour Relations Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 202, s. 77,  
amended

(4) Where the Board is satisfied that a trade union has an established practice of admitting persons to membership without regard to the eligibility requirements of its charter, constitution or by-laws, the Board, in determining whether a person is a member of a trade union, need not have regard for such eligibility requirements. Determin-  
ation of  
union  
membership

**3.** This Act applies in respect of proceedings under *The Labour Relations Act* commenced after this Act comes into force and to proceedings commenced before but not finally disposed of when this Act comes into force. Application  
R.S.O. 1960,  
c. 202

**4.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**5.** This Act may be cited as *The Labour Relations Amendment Act, 1970*. Short title



## CHAPTER 4

## An Act to amend The Public Trustee Act

*Assented to May 4th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Public Trustee Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 334, s. 13,  
re-enacted
13. Any money that is available for investment by the Public Trustee shall be invested in investments in which the Treasurer of Ontario and Minister of Economics may invest public money under section 20 of *The Financial Administration Act*.

Investment  
of money  
  
R.S.O. 1960,  
c. 142
2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment
3. This Act may be cited as *The Public Trustee Amendment Act, 1970*.

Short title



## CHAPTER 5

**An Act to amend The Judicature Act**

*Assented to May 4th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 5 of *The Judicature Act*, as amended by section 1 of *The Judicature Amendment Act, 1967*, is further amended by striking out "twenty-six" in the amendment of 1967 and inserting in lieu thereof "thirty", so that the subsection shall read as follows:

- (1) The High Court shall consist of a chief justice who shall be the president thereof and who shall be called the Chief Justice of the High Court, and thirty other judges.

**2.** Subsection 5 of section 107 of *The Judicature Act* is repealed and the following substituted therefor:

- (5) Any money that is available for investment shall be invested in investments in which the Treasurer of Ontario and Minister of Economics may invest public money under section 20 of *The Financial Administration Act*.

**3.** This Act comes into force on the day it receives Royal Assent.

**4.** This Act may be cited as *The Judicature Amendment Act, 1970*.



## CHAPTER 6

**An Act to amend  
The Retail Sales Tax Act, 1960-61**

*Assented to May 4th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *a* of paragraph 3 of section 1 of *The Retail Sales Tax Act, 1960-61* is amended by inserting after “prop-<sup>1960-61,  
c. 91, s. 1,  
par. 3,  
cl. a,</sup>erty” in the second line “or a taxable service”, so that the amended clause shall read as follows:

- (a) utilizes or intends to utilize in Ontario tangible personal property or a taxable service for his own consumption or for the consumption of any other person at his expense, or

. . . . .

(2) Clause *b* of paragraph 3 of the said section 1 is repealed<sup>1960-61,  
c. 91, s. 1,  
par. 3, cl. b,  
re-enacted</sup> and the following substituted therefor:

- (b) utilizes or intends to utilize in Ontario tangible personal property or a taxable service on behalf of or as the agent for a principal who desired or desires to so utilize such property or taxable service for consumption by the principal or by any person at the expense of the principal.

(3) Paragraph 7*a* of the said section 1, as enacted by sub-<sup>1960-61,  
c. 91, s. 1,  
par. 7*a*  
(1968-69,  
c. 113, s. 1,  
subs. 5),  
amended</sup>section 5 of section 1 of *The Retail Sales Tax Amendment Act, 1968-69*, is amended by inserting after “held” in the seventh line “or where facilities for dancing are provided to the public with the service of liquor, beer or wine”, so that the paragraph shall read as follows:

- 7*a*. “place of amusement” means a premises or place, whether enclosed or not, where a cinematograph or moving picture machine or similar apparatus is operated, or where a theatrical performance, carnival, circus, side show, menagerie, concert, rodeo, exhibition, horse race, athletic contest or other performance

is staged or held, or where facilities for dancing are provided to the public with the service of liquor, beer or wine, and to which admission is granted upon payment of a price of admission through the sale of tickets or otherwise.

1960-61,  
c. 91, s. 1,  
par. 11, cl. 8  
(1962-63,  
c. 127, s. 1,  
subs. 2),  
amended

(4) Clause *g* of paragraph 11 of the said section 1, as enacted by subsection 2 of section 1 of *The Retail Sales Tax Amendment Act, 1962-63*, is amended by inserting after "property" in the second line "or the production of a taxable service", so that the clause shall read as follows:

- (g) the production, fabrication, processing, printing or imprinting of tangible personal property or the production of a taxable service by a person for his own consumption or use when that person furnishes either directly or indirectly the materials and labour used in such production, fabrication, processing, printing or imprinting.

1960-61,  
c. 91, s. 3,  
sub. 1  
(1968-69,  
c. 113, s. 3,  
subs. 1),  
amended

**2.** Subsection 1 of section 3 of *The Retail Sales Tax Act, 1960-61*, as re-enacted by subsection 1 of section 3 of *The Retail Sales Tax Amendment Act, 1968-69*, is amended by inserting after "any" in the first line "taxable", so that the subsection shall read as follows:

Vendor  
permits

- (1) No vendor shall sell any taxable tangible personal property or taxable services or operate a place of amusement unless he has been granted upon his application a permit for each place in Ontario where he transacts business and such permit is in force at the time of the sale.

1960-61,  
c. 91, s. 5,  
subs. 1,  
amended

**3.—**(1) Subsection 1 of section 5 of *The Retail Sales Tax Act, 1960-61*, as amended by subsection 1 of section 2 of *The Retail Sales Tax Amendment Act, 1962-63*, is further amended by inserting after "property" in the amendment of 1962-63 "and taxable services", so that the subsection, exclusive of the paragraphs, shall read as follows:

Exemptions

- (1) The purchaser of the following classes of tangible personal property and taxable services is exempt from the tax imposed by this Act:

1960-61,  
c. 91, s. 5,  
subs. 1,  
amended

(2) Subsection 1 of the said section 5 is further amended by adding thereto the following paragraph:

- 38. dies, jigs, fixtures and moulds, patterns for dies, jigs, fixtures and moulds, tools attached to production machinery, explosives and refractory materials, all

as defined by the Minister and consumed or expended by the purchaser thereof directly in the process of manufacture of tangible personal property for sale or use.

(3) Paragraph 55 of subsection 1 of the said section 5, as enacted by subsection 9 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, is repealed and the following substituted therefor:

1960-61,  
c. 91, s. 5,  
subs. 1,  
par. 55  
(1961-62,  
c. 126, s. 3,  
subs. 9),  
re-enacted

55. coin, paper money or bank notes unless purchased at a price greater than the equivalent face value thereof in Canadian funds.

(4) Subsection 1 of the said section 5 is further amended by adding thereto the following paragraph:

1960-61,  
c. 91, s. 5,  
subs. 1,  
amended

68. taxable services used on a reserve, as defined by the *Indian Act* (Canada), when purchased by an Indian.

R.S.C. 1952,  
c. 149

4.—(1) Subsection 4 of section 13 of *The Retail Sales Tax Act, 1960-61*, as amended by subsection 4 of section 13 of *The Retail Sales Tax Amendment Act, 1968-69*, is repealed and the following substituted therefor:

1960-61,  
c. 91, s. 13,  
subs. 4,  
re-enacted

(4) Where the Minister has made an assessment under subsection 1, he may send by prepaid mail or by personal service a notice of assessment to the vendor, requiring that the amount of the assessment made under subsection 1 be remitted to the Treasurer of Ontario or otherwise accounted for.

Notice of  
assessment  
under subs. 1

(2) Subsection 5 of the said section 13 is repealed.

1960-61,  
c. 91, s. 13,  
subs. 5,  
repealed

(3) Subsection 6 of the said section 13, as amended by subsection 5 of section 13 of *The Retail Sales Tax Amendment Act, 1968-69*, is further amended by striking out "registered" in the first line and inserting in lieu thereof "prepaid", so that the subsection shall read as follows:

1960-61,  
c. 91, s. 13,  
subs. 6,  
amended

(6) The Minister shall send by prepaid mail a notice of the assessment made under subsection 2 or 3 to the vendor or purchaser, as the case may be, at his last known address, and, where the vendor or purchaser has more than one address, one of which is in Ontario, such notice shall be sent to his address in Ontario.

Notice of  
assessment  
under  
subs. 2 or 3

5. Section 15 of *The Retail Sales Tax Act, 1960-61*, as re-enacted by section 6 of *The Retail Sales Tax Amendment Act, 1961-62* and amended by section 8 of *The Retail Sales Tax Amendment Act, 1964* and section 15 of *The Retail Sales Tax Amendment Act, 1968-69*, is further amended by striking

1960-61,  
c. 91, s. 15  
(1961-62,  
c. 126, s. 6),  
amended

out "immediately" in the fourth line and inserting in lieu thereof "within twenty days thereafter", so that the section shall read as follows:

Purchaser  
liable for tax

15. The purchaser is liable for the tax imposed by this Act until it is collected, and, where the purchaser refuses to pay the tax at the time it is collectable under section 7, the vendor shall within twenty days thereafter notify the Minister thereof.

1960-61,  
c. 91, s. 25,  
subs. 1,  
re-enacted

**6.** Subsection 1 of section 25 of *The Retail Sales Tax Act, 1960-61*, as amended by section 3 of *The Retail Sales Tax Amendment Act, 1967*, is repealed and the following substituted therefor:

Penalty for  
default in  
filing return  
or remitting  
tax

- (1) Every vendor who fails to deliver a return or to remit the tax collectable or payable as and when required shall pay a penalty of,
- (a) an amount equal to 5 per cent of the tax that was collectable and of the tax that was payable by him for the period covered by the return, if the amount of such tax was less than \$10,000; and
  - (b) \$500, if the amount of such tax was \$10,000 or more.

1960-61,  
c. 91,  
amended

**7.** *The Retail Sales Tax Act, 1960-61* is amended by adding thereto the following section:

Interest on  
over-  
payments

- 27a.—(1) Where an amount in respect of an overpayment is refunded or applied on other liability, interest at such rate as is prescribed by the regulations shall be paid or applied thereon for the period commencing on the day the overpayment arose and ending with the day of refunding or application on other liability, unless the amount of interest so calculated is less than \$1, in which event no interest shall be paid or applied under this subsection.

Idem

- (2) Where by a decision of the Minister under section 17 or by a decision of a court it is finally determined that the tax payable under this Act by a person is less than the amount assessed by the assessment under section 13 to which objection was made or from which the appeal was taken and the decision makes it appear that there has been an overpayment of tax, the interest payable under subsection 1 on that overpayment shall be computed at such rate as is prescribed by the regulations.

**8.** Clause *h* of subsection 2 of section 39 of *The Retail Sales Tax Act, 1960-61*, as enacted by subsection 2 of section 29 of *The Retail Sales Tax Amendment Act, 1968-69* is repealed and the following substituted therefor:

1960-61,  
c. 91, s. 39,  
subs. 2.  
cl. *h*  
(1968-69,  
c. 113, s. 29,  
subs. 2),  
re-enacted

(*h*) prescribing the rates of interest payable under this Act.

**9.**—(1) This Act, except subsection 2 of section 3, comes into force on the day it receives Royal Assent.

Commence-  
ment

(2) Subsection 2 of section 3 comes into force on the 1st day of June, 1970.

*Idem*

**10.** This Act may be cited as *The Retail Sales Tax Amendment Act, 1970*.

Short title



## CHAPTER 7

**An Act to amend The Income Tax Act, 1961-62**

*Assented to May 4th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Paragraph 7 of subsection 1 of section 1 of *The Income Tax Act, 1961-62* is amended by striking out “Deputy Provincial Treasurer” in the first and second lines and inserting in lieu thereof “Deputy Minister of Revenue”, so that the paragraph shall read as follows:

7. “deputy head” means the Deputy Minister of Revenue, or, where a collection agreement is entered into, means the Deputy Minister of National Revenue for Taxation.

(2) Paragraph 20 of subsection 1 of the said section 1 is amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Provincial Minister”.

(3) Subsection 1 of the said section 1, as amended by section 1 of *The Income Tax Amendment Act, 1961-62* and section 1 of *The Income Tax Amendment Act, 1962-63*, is further amended by adding thereto the following paragraph:

21a. “Provincial Minister” means the Minister of Revenue.

(4) Paragraph 22 of subsection 1 of the said section 1 is repealed and the following substituted therefor:

22. “Receiver General for Canada” means the Receiver General for Canada, but in any provision of the Federal Act that is incorporated by reference in this Act, unless a collection agreement is entered into, a reference to the Receiver General for Canada shall be read and construed for the purposes of this Act as a reference to the Treasurer.

(5) Paragraph 27 of subsection 1 of the said section 1 is repealed and the following substituted therefor:

27. "Treasurer" means the Treasurer of Ontario and Minister of Economics, or where a collection agreement is entered into, means,

i. in relation to the remittance of any amount as or on account of tax payable under this Act, the Receiver General for Canada, and

ii. in relation to any other matter, the Minister.

1961-62,  
c. 60, s. 4a  
(1964, c. 43,  
s. 1), subs. 5,  
amended

**2.** Subsection 5 of section 4a of *The Income Tax Act*, 1961-62, as enacted by section 1 of *The Income Tax Amendment Act*, 1964, is amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Provincial Minister".

1961-62,  
c. 60, s. 6,  
subs. 1,  
amended

**3.**—(1) Subsection 1 of section 6 of *The Income Tax Act*, 1961-62 is amended by striking out "Treasurer" in the third line and in the seventeenth line and inserting in lieu thereof in each instance "Provincial Minister".

1961-62,  
c. 60, s. 6,  
subs. 2,  
amended

(2) Subsection 2 of the said section 6 is amended by striking out "Treasurer" in the fourth line and in the sixth line and inserting in lieu thereof in each instance "Provincial Minister".

1961-62,  
c. 60, s. 8,  
subs. 1,  
amended

**4.**—(1) Subsection 1 of section 8 of *The Income Tax Act*, 1961-62 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister".

1961-62,  
c. 60, s. 8,  
subs. 2,  
amended

(2) Subsection 2 of the said section 8 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister".

1961-62,  
c. 60, s. 8,  
subs. 4,  
amended

(3) Subsection 4 of the said section 8 is amended by striking out "Treasurer" in the first line and in the tenth line and inserting in lieu thereof in each instance "Provincial Minister".

1961-62,  
c. 60, s. 8,  
subs. 6,  
amended

(4) Subsection 6 of the said section 8 is amended by striking out "Treasurer" in the eighth line and inserting in lieu thereof "Provincial Minister".

1961-62,  
c. 60, s. 8,  
subs. 7,  
amended

(5) Subsection 7 of the said section 8 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister".

1961-62,  
c. 60, s. 12,  
subs. 2,  
amended

**5.** Subsection 2 of section 12 of *The Income Tax Act*, 1961-62 is amended by striking out "Treasurer" in the first line and in the second line and inserting in lieu thereof in each instance "Provincial Minister".

**6.** Subsection 6 of section 14 of *The Income Tax Act*, 1961-62, 1961-62 is amended by striking out "Treasurer" in the fifth line and in the eleventh line and inserting in lieu thereof in each instance "Provincial Minister".  
c. 60, s. 14, subs. 6, amended

**7.** Subsection 3 of section 15 of *The Income Tax Act*, 1961-62, 1961-62 is amended by striking out "Treasurer" in the third line and in the eighth line and inserting in lieu thereof in each instance "Provincial Minister".  
c. 60, s. 15, subs. 3, amended

**8.—(1)** Subsection 1 of section 17 of *The Income Tax Act*, 1961-62, 1961-62 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Provincial Minister".  
c. 60, s. 17, subs. 1, amended

(2) Subsection 2 of the said section 17 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Provincial Minister".  
1961-62, c. 60, s. 17, subs. 2, amended

(3) Subsection 4 of the said section 17 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister".  
1961-62, c. 60, s. 17, subs. 4, amended

**9.—(1)** Subsection 1 of section 18 of *The Income Tax Act*, 1961-62, 1961-62 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Provincial Minister".  
c. 60, s. 18, subs. 1, amended

(2) Subsection 2 of the said section 18 is amended by striking out "deputy head" in the second and third lines and inserting in lieu thereof "Provincial Minister".  
1961-62, c. 60, s. 18, subs. 2, amended

(3) Subsection 3 of the said section 18 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister".  
1961-62, c. 60, s. 18, subs. 3, amended

(4) Subsection 4 of the said section 18 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister".  
1961-62, c. 60, s. 18, subs. 4, amended

(5) The said section 18 is amended by adding thereto the following subsection:  
1961-62, c. 60, s. 18, amended

(5) The Provincial Minister may accept a notice of objection under this section notwithstanding that it was not served in duplicate or in the manner required by subsection 2.  
Acceptance of notice

**10.—(1)** Subsection 1 of section 19 of *The Income Tax Act*, 1961-62, 1961-62 is amended by striking out "Treasurer" in the fifth line, in the eighth line and in the fourteenth line and inserting in lieu thereof in each instance "Provincial Minister".  
c. 60, s. 19, subs. 1, amended

1961-62,  
c. 60, s. 19,  
subs. 3,  
amended

(2) Subsection 3 of the said section 19 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Provincial Minister".

1961-62,  
c. 60, s. 19,  
subs. 4,  
amended

(3) Subsection 4 of the said section 19 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister" and by striking out "deputy head" in the second and third lines and inserting in lieu thereof "Provincial Minister".

1961-62,  
c. 60, s. 19,  
subs. 6,  
amended

(4) Subsection 6 of the said section 19 is amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Provincial Minister".

1961-62,  
c. 60, s. 20,  
subs. 1,  
amended

**11.** Subsection 1 of section 20 of *The Income Tax Act, 1961-62* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister".

1961-62,  
c. 60, s. 21,  
subs. 3, cl. c,  
subcl. iv,  
amended

**12.**—(1) Subclause iv of clause c of subsection 3 of section 21 of *The Income Tax Act, 1961-62* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister".

1961-62,  
c. 60, s. 21,  
subs. 4,  
amended

(2) Subsection 4 of the said section 21 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Provincial Minister".

1961-62,  
c. 60, s. 25,  
subs. 1,  
re-enacted

**13.**—(1) Subsection 1 of section 25 of *The Income Tax Act, 1961-62* is repealed and the following substituted therefor:

Administra-  
tion of Act

(1) The Provincial Minister shall administer and enforce this Act and control and supervise all persons employed to carry out or enforce this Act and the Deputy Minister of Revenue may exercise all the powers and perform the duties of the Provincial Minister under this Act.

1961-62,  
c. 60, s. 25,  
subs. 2,  
amended

(2) Subsection 2 of the said section 25 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister".

1961-62,  
c. 60, s. 25,  
subs. 3,  
amended

(3) Subsection 3 of the said section 25 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister".

1961-62,  
c. 60, s. 25,  
subs. 4,  
cl. a,  
amended

(4) Clause a of subsection 4 of the said section 25 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister".

**14.** Subsection 1 of section 28 of *The Income Tax Act*, 1961-62, c. 60, s. 28, amended 1961-62, is amended by striking out "Treasurer" in the third line and in the fourth line and inserting in lieu thereof in each instance "Provincial Minister".

**15.** Section 28a of *The Income Tax Act*, 1961-62, as enacted by section 4 of *The Income Tax Amendment Act*, 1962-63, is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister". 1961-62, c. 60, s. 28a, (1962-63, c. 61, s. 4), amended

**16.**—(1) Subsection 1 of section 29 of *The Income Tax Act*, 1961-62, c. 60, s. 29, amended 1961-62, is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister".

(2) Subsection 3 of the said section 29 is amended by striking out "Treasurer" in the first line and in the ninth line and inserting in lieu thereof in each instance "Provincial Minister". 1961-62, c. 60, s. 29, subs. 3, amended

**17.** Subsection 1 of section 30 of *The Income Tax Act*, 1961-62, c. 60, s. 30, amended 1961-62, is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Provincial Minister".

**18.**—(1) Subsection 1 of section 31 of *The Income Tax Act*, 1961-62, c. 60, s. 31, amended 1961-62, is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister".

(2) Subsection 2 of the said section 31 is amended by striking out "Treasurer" in the second and third lines and inserting in lieu thereof "Provincial Minister". 1961-62, c. 60, s. 31, subs. 2, amended

**19.** Subsection 8 of section 32 of *The Income Tax Act*, 1961-62, c. 60, s. 32, amended 1961-62, is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister".

**20.**—(1) Subsection 1 of section 33 of *The Income Tax Act*, 1961-62, c. 60, s. 33, amended 1961-62, is amended by striking out "Treasurer" in the seventh line and inserting in lieu thereof "Provincial Minister".

(2) Subsection 2 of the said section 33 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Provincial Minister". 1961-62, c. 60, s. 33, subs. 2, amended

(3) Subsection 3 of the said section 33 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Provincial Minister". 1961-62, c. 60, s. 33, subs. 3, amended

**21.**—(1) Subsection 1 of section 34 of *The Income Tax Act*, 1961-62, c. 60, s. 34, amended 1961-62, is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister".

1961-62,  
c. 60, s. 34,  
subs. 2,  
amended

(2) Subsection 2 of the said section 34 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister".

1961-62,  
c. 60, s. 34,  
subs. 3,  
amended

(3) Subsection 3 of the said section 34 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister" and by striking out "Treasury Department" in the fifth line and inserting in lieu thereof "Department of Revenue".

1961-62,  
c. 60, s. 34,  
subs. 4,  
amended

(4) Subsection 4 of the said section 34 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister" and by striking out "Treasury Department" in the third and fourth lines and inserting in lieu thereof "Department of Revenue".

1961-62,  
c. 60, s. 34,  
subs. 5,  
amended

(5) Subsection 5 of the said section 34 is amended by striking out "Treasury Department" in the fourth line and inserting in lieu thereof "Department of Revenue" and by striking out "Treasurer" in the sixth line and in the seventh line and inserting in lieu thereof in each instance "Provincial Minister".

1961-62,  
c. 60, s. 34,  
subs. 7,  
amended

(6) Subsection 7 of the said section 34 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister".

1961-62,  
c. 60, s. 36,  
amended

**22.** Section 36 of *The Income Tax Act, 1961-62* is amended by striking out "Treasurer" in the fifth line and in the seventh line and inserting in lieu thereof in each instance "Provincial Minister".

1961-62,  
c. 60, s. 42,  
subs. 2  
(1962-63,  
c. 61, s. 5),  
amended

**23.** Subsection 2 of section 42 of *The Income Tax Act, 1961-62*, as re-enacted by section 5 of *The Income Tax Amendment Act, 1962-63*, is amended by striking out "Treasurer" in the third line and in the fifth line and inserting in lieu thereof in each instance "Provincial Minister".

1961-62  
c. 60, s. 45  
(1962-63,  
c. 61, s. 6),  
subs. 1,  
amended

**24.—**(1) Subsection 1 of section 45 of *The Income Tax Act, 1961-62*, as re-enacted by section 6 of *The Income Tax Amendment Act, 1962-63*, is amended by striking out "Treasury Department" in the second line and inserting in lieu thereof "Department of Revenue" and by striking out "Treasurer" in the fourth line, in the eighth line and in the tenth line and inserting in lieu thereof in each instance "Provincial Minister".

1961-62,  
c. 60, s. 45  
(1962-63,  
c. 61, s. 6),  
subs. 3,  
amended

(2) Subsection 3 of the said section 45 is amended by striking out "Treasurer" in the sixth line and in the eighth line and inserting in lieu thereof in each instance "Provincial Minister".

(3) Subsection 4 of the said section 45 is amended by <sup>1961-62,</sup> striking out "Treasury Department" in the fourth line and <sup>c. 60, s. 45</sup> inserting in lieu thereof "Department of Revenue". <sup>(1962-63,</sup>  
<sup>c. 61, s. 6),</sup>  
<sup>subs. 4,</sup>  
<sup>amended</sup>

(4) Subsection 5 of the said section 45 is amended by <sup>1961-62,</sup> striking out "Treasury Department" in the third and fourth <sup>c. 60, s. 45</sup> lines and inserting in lieu thereof "Department of Revenue". <sup>(1962-63,</sup>  
<sup>c. 61, s. 6),</sup>  
<sup>subs. 5,</sup>  
<sup>amended</sup>

(5) Subsection 6 of the said section 45 is amended by <sup>1961-62,</sup> striking out "Treasury Department" in the third and fourth <sup>c. 60, s. 45</sup> lines and inserting in lieu thereof "Department of Revenue". <sup>(1962-63,</sup>  
<sup>c. 61, s. 6),</sup>  
<sup>subs. 6,</sup>  
<sup>amended</sup>

(6) Subsection 7 of the said section 45 is amended by <sup>1961-62,</sup> striking out "Treasury Department" in the first line and <sup>c. 60, s. 45</sup> inserting in lieu thereof "Department of Revenue" and by <sup>(1962-63,</sup> striking out "Treasurer" in the sixth line and in the seventh <sup>c. 61, s. 6),</sup> line and inserting in lieu thereof in each instance "Provincial <sup>subs. 7,</sup> Minister". <sup>amended</sup>

(7) Subsection 8 of the said section 45 is amended by <sup>1961-62,</sup> striking out "Treasury Department" in the first line and <sup>c. 60, s. 45</sup> inserting in lieu thereof "Department of Revenue". <sup>(1962-63,</sup>  
<sup>c. 61, s. 6),</sup>  
<sup>subs. 8,</sup>  
<sup>amended</sup>

(8) Subsection 9 of the said section 45 is amended by <sup>1961-62,</sup> striking out "Treasury Department" in the third and fourth <sup>c. 60, s. 45</sup> lines and inserting in lieu thereof "Department of Revenue". <sup>(1962-63,</sup>  
<sup>c. 61, s. 6),</sup>  
<sup>subs. 9,</sup>  
<sup>amended</sup>

(9) Subsection 11 of the said section 45 is amended by <sup>1961-62,</sup> striking out "Treasurer" in the sixth line, in the eighth line, <sup>c. 60, s. 45</sup> in the tenth line and in the twelfth line and inserting in lieu <sup>(1962-63,</sup> thereof in each instance "Provincial Minister". <sup>c. 61, s. 6),</sup>  
<sup>subs. 11,</sup>  
<sup>amended</sup>

(10) Subsection 12 of the said section 45 is amended by <sup>1961-62,</sup> striking out "Treasurer" in the seventh line and inserting in <sup>c. 60, s. 45</sup> lieu thereof "Provincial Minister". <sup>(1962-63,</sup>  
<sup>c. 61, s. 6),</sup>  
<sup>subs. 12,</sup>  
<sup>amended</sup>

(11) Subsection 13 of the said section 45 is amended by <sup>1961-62,</sup> striking out "Treasurer" in the second line and inserting in <sup>c. 60, s. 45</sup> lieu thereof "Provincial Minister". <sup>(1962-63,</sup>  
<sup>c. 61, s. 6),</sup>  
<sup>subs. 13,</sup>  
<sup>amended</sup>

(12) Subsection 14 of the said section 45 is amended by <sup>1961-62,</sup> striking out "Treasurer" in the second line, in the third line <sup>c. 60, s. 45</sup> and in the fourth line and inserting in lieu thereof in each <sup>(1962-63,</sup> instance "Provincial Minister". <sup>c. 61, s. 6),</sup>  
<sup>subs. 14,</sup>  
<sup>amended</sup>

(13) Subclause i of clause b of subsection 15 of the said <sup>1961-62,</sup> section 45 is amended by striking out "Treasurer" and insert- <sup>c. 60, s. 45</sup> ing in lieu thereof "Provincial Minister". <sup>(1962-63,</sup>  
<sup>c. 61, s. 6),</sup>  
<sup>subs. 15, cl.</sup>  
<sup>b, subcl. i,</sup>  
<sup>amended</sup>

1961-62,  
c. 60, s. 45  
(1962-63,  
c. 61, s. 6),  
subs. 17,  
amended

(14) Subsection 17 of the said section 45 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Provincial Minister".

1961-62,  
c. 60, s. 45  
(1962-63,  
c. 61, s. 6),  
subs. 18,  
amended

(15) Subsection 18 of the said section 45 is amended by striking out "Treasurer" in the sixth line and in the ninth line and inserting in lieu thereof in each instance "Provincial Minister" and by striking out "Treasury Department" in the ninth and tenth lines and inserting in lieu thereof "Department of Revenue".

1961-62,  
c. 60, s. 46,  
subs. 3,  
amended

**25.** Subsection 3 of section 46 of *The Income Tax Act, 1961-62* is amended by striking out "Treasurer" in the second line and in the fourth line and inserting in lieu thereof in each instance "Provincial Minister".

Commence-  
ment

**26.** This Act comes into force on the day it receives Royal Assent.

Short title

**27.** This Act may be cited as *The Income Tax Amendment Act, 1970*.

## CHAPTER 8

## An Act to amend The Race Tracks Tax Act

*Assented to May 4th, 1970*  
*Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Race Tracks Tax Act*, as enacted by section 1 of *The Race Tracks Tax Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 341, s. 1,  
cl. *a* (1964,  
c. 97, s. 1),  
re-enacted

(a) "Minister" means the Minister of Revenue.

2.—(1) Subsection 1 of section 4 of *The Race Tracks Tax Act*, as re-enacted by section 3 of *The Race Tracks Tax Amendment Act, 1964*, is amended by striking out "Comptroller" in the fourth line and in the seventeenth line and inserting in lieu thereof in each instance "Minister" and by striking out "Treasurer" in the sixth line and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 341, s. 4,  
subs. 1  
(1964, c. 97,  
s. 3),  
amended

(2) Subsection 2 of the said section 4 is amended by striking out "Treasurer" in the ninth line and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 341, s. 4,  
subs. 2,  
amended

(3) Subsection 3 of the said section 4 is amended by striking out "Treasury Department" in the first line and inserting in lieu thereof "Department of Revenue" and by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 341, s. 4,  
subs. 3,  
amended

(4) Subsection 5 of the said section 4 is amended by striking out "in the payment of the tax imposed by section 2, or" in the first and second lines and by striking out "Treasurer" in the eighth line and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 341, s. 4,  
subs. 5,  
amended

3. Section 5 of *The Race Tracks Tax Act* is amended by striking out "Treasurer" in the sixteenth line and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 341, s. 5,  
amended

R.S.O. 1960,  
c. 341, s. 6,  
subs. 1,  
re-enacted

**4.**—(1) Subsection 1 of section 6 of *The Race Tracks Tax Act*, as amended by section 4 of *The Race Tracks Tax Amendment Act, 1964*, is repealed and the following substituted therefor:

Obtaining  
information

(1) For the purpose of obtaining any information that he deems necessary for the purposes of this Act, the Minister may,

(a) demand from any person such information as is indicated in a letter delivered or sent by prepaid mail to such person and every such person shall furnish to the Minister all such information that he has in his possession or under his control, in writing, within thirty days of the delivery or sending of such letter; or

(b) appoint any officer of the Department of Revenue to make such inquiry as is necessary to obtain such information and for the purpose of such inquiry such officer has all the power and authority that may be conferred upon a commissioner under *The Public Inquiries Act*.

R.S.O. 1960,  
c. 323

R.S.O. 1960,  
c. 341, s. 6,  
subs. 2,  
amended

(2) Subsection 2 of the said section 6 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 341, s. 7,  
subs. 1,  
amended

**5.**—(1) Subsection 1 of section 7 of *The Race Tracks Tax Act* is amended by striking out "Treasurer" in the fifth line and inserting in lieu thereof "Minister", and by striking out "and shall be tried without a jury" in the sixth and seventh lines.

R.S.O. 1960,  
c. 341, s. 7,  
subs. 3  
(1964, c. 97,  
s. 5),  
amended

(2) Subsection 3 of the said section 7, as enacted by section 5 of *The Race Tracks Tax Amendment Act, 1964*, is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 341, s. 7a  
(1964, c. 97,  
s. 6),  
amended

**6.** Section 7a of *The Race Tracks Tax Act*, as enacted by section 6 of *The Race Tracks Tax Amendment Act, 1964*, is amended by striking out "of 6 per cent per annum" in the second and third lines and inserting in lieu thereof "prescribed by the regulations", so that the section shall read as follows:

Interest

**7a.** Any amount payable or to be remitted to the Treasurer under this Act bears interest at the rate prescribed by the regulations from the day on which such amount should have been paid or remitted to the Treasurer to the day of payment.

**7.** Section 7*b* of *The Race Tracks Tax Act*, as enacted by R.S.O. 1960, c. 341, s. 7*b*, section 6 of *The Race Tracks Tax Amendment Act, 1964*, (1964, c. 97, s. 6), is amended by striking out "Comptroller" in the first line amended and in the third line and inserting in lieu thereof in each instance "Minister".

**8.**—(1) Subsection 1 of section 7*c* of *The Race Tracks Tax Act*, as enacted by section 6 of *The Race Tracks Tax Amendment Act, 1964*, is amended by striking out "Comptroller" R.S.O. 1960, c. 341, s. 7*c* in the first line and inserting in lieu thereof "Minister". (1964, c. 97, s. 6), subs. 1, amended

(2) Subsection 2 of the said section 7*c* is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister". R.S.O. 1960, c. 341, s. 7*c* (1964, c. 97, s. 6), subs. 2, amended

**9.**—(1) Clause *a* of section 8 of *The Race Tracks Tax Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 341, s. 8, cl. *a*, re-enacted

(*a*) authorizing or requiring the Deputy Minister of Revenue or any other officer of the Department of Revenue to exercise any power or impose any duty conferred or imposed upon the Minister by this Act.

(2) The said section 8 is amended by adding thereto the following clause: R.S.O. 1960, c. 341, s. 8, amended

(*f*) prescribing the rate of interest payable on amounts payable to or to be remitted to the Treasurer under this Act.

**10.**—(1) This Act, except section 6, comes into force on the day it receives Royal Assent. Commencement

(2) Section 6 comes into force on the 1st day of June, 1970. Idem

**11.** This Act may be cited as *The Race Tracks Tax Amendment Act, 1970*. Short title



## CHAPTER 9

## An Act to amend The Tobacco Tax Act, 1965

*Assented to May 4th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *a* of section 1 of *The Tobacco Tax Act, 1965* <sup>1965, c. 130,  
s. 1, cl. *a*,  
repealed</sup> is repealed.

(2) The said section 1 is amended by adding thereto the <sup>1965, c. 130,  
s. 1,  
amended</sup> following clause:

(*ca*) “Minister” means the Minister of Revenue.

**2.** Subsection 2 of section 2 of *The Tobacco Tax Act, 1965* <sup>1965, c. 130,  
s. 2, subs. 2,  
amended</sup> is amended by striking out “Treasurer” in the second line and in the fourth line and inserting in lieu thereof in each instance “Minister”.

**3.** Section 4 of *The Tobacco Tax Act, 1965* is repealed and the following substituted therefor: <sup>1965, c. 130,  
s. 4,  
re-enacted</sup>

4. The Minister may suspend or cancel the permit of any wholesale dealer who, <sup>Suspension  
or cancella-  
tion of  
wholesale  
dealer's  
permit</sup>

(*a*) refuses or neglects to account for and pay as herein required moneys received by him as proceeds of the tax; or

(*b*) refuses or neglects to furnish a surety bond when so required under the regulations,

but, before a suspension or cancellation is made, the wholesale dealer shall be afforded an opportunity to appear before the Minister to show cause why the permit should not be suspended or cancelled, as the case may be.

**4.** Section 5 of *The Tobacco Tax Act, 1965* is amended by <sup>1965, c. 130,  
s. 5,  
amended</sup> striking out “Comptroller” in the ninth line and in the eleventh line and inserting in lieu thereof in each instance “Minister”.

1965, c. 130,  
amended

5. *The Tobacco Tax Act, 1965* is amended by adding thereto the following section:

Sales of  
tobacco  
under  
R.S.O. 1960,  
c. 43

5a.—(1) No wholesale dealer shall dispose of his stock through a sale in bulk as defined in *The Bulk Sales Act* without first obtaining a certificate in duplicate from the Minister that all taxes collectable or payable under this Act by such wholesale dealer have been paid.

Idem

(2) Every person purchasing tobacco stock through a sale in bulk as defined in *The Bulk Sales Act* shall obtain from the wholesale dealer selling such stock the duplicate copy of the certificate furnished under subsection 1, and if he fails to do so, he is responsible for payment to the Treasurer of all taxes collectable or payable under this Act by the wholesale dealer thus disposing of his tobacco stock through a sale in bulk.

1965, c. 130,  
s. 7, subs. 2,  
re-enacted

6. Subsection 2 of section 7 of *The Tobacco Tax Act, 1965* is repealed and the following substituted therefor:

Default in  
payment  
over to  
Treasurer

(2) If any person who has collected any tax imposed by this Act fails to pay it over to the Treasurer at the time and in the manner prescribed by the regulations or by agreement made under the regulations, as the case may be, the amount thereof becomes a debt due to Her Majesty in right of Ontario and is a lien upon the property in Ontario of the person in default and, subject to the *Bankruptcy Act* (Canada), has priority over all other claims of other persons, and it shall bear interest at the rate prescribed by the regulations from the day the amount was due until it is paid.

R.S.C. 1952,  
c. 14

1965,  
c. 130, s. 8,  
subs. 1,  
amended

7.—(1) Subsection 1 of section 8 of *The Tobacco Tax Act, 1965* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

1965,  
c. 130, s. 8,  
subs. 2,  
amended

(2) Subsection 2 of the said section 8 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister".

1965,  
c. 130, s. 8,  
subs. 3,  
amended

(3) Subsection 3 of the said section 8 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister".

1965, c. 130,  
s. 8, subs. 4,  
amended

(4) Subsection 4 of the said section 8 is amended by striking out "Comptroller" in the first line and inserting in

lieu thereof “Minister” and by striking out “Office of the Comptroller of Revenue” in the sixth line and inserting in lieu thereof “Department of Revenue”.

(5) Subsection 5 of the said section 8 is amended by <sup>1965, c. 130, s. 8, subs. 5, amended</sup> striking out “Comptroller” in the first line and inserting in lieu thereof “Minister”.

(6) Subsection 6 of the said section 8 is amended by <sup>1965, c. 130, s. 8, subs. 6, amended</sup> striking out “Office of the Comptroller of Revenue” in the fourth line and inserting in lieu thereof “Department of Revenue” and by striking out “Comptroller” in the sixth line and in the seventh line and inserting in lieu thereof in each instance “Minister”.

(7) The said section 8 is amended by adding thereto the <sup>1965, c. 130, s. 8, amended</sup> following subsection:

(8) The Minister at any time for any purpose related <sup>Inventory report</sup> to the administration or enforcement of this Act and the regulations may require a dealer to complete an inventory report showing all tobacco in his possession in respect of which the tax imposed by this Act has not been paid.

**8.** Subsection 1 of section 9 of *The Tobacco Tax Act, 1965* <sup>1965, c. 130, s. 9, subs. 1, amended</sup> is amended by striking out “Treasurer” in the first line and inserting in lieu thereof “Minister”.

**9.** Subsection 2 of section 11 of *The Tobacco Tax Act, 1965* <sup>1965, c. 130, s. 11, subs. 2, amended</sup> is amended by striking out “Treasurer” in the first line and in the tenth line and inserting in lieu thereof in each instance “Minister”.

**10.** Section 15 of *The Tobacco Tax Act, 1965* is repealed. <sup>1965, c. 130, s. 15, repealed</sup>

**11.—(1)** Section 16 of *The Tobacco Tax Act, 1965* is <sup>1965, c. 130, s. 16, amended</sup> amended by adding thereto the following clauses:

(ea) providing for the extension of time for making returns;

. . . . .

(ga) prescribing the rate of interest payable on amounts payable to or to be remitted to the Treasurer under this Act;

. . . . .

(la)

(la) authorizing or requiring the Deputy Minister or any other officer of the Department of Revenue to exercise any power or perform any duty conferred or imposed upon the Minister by this Act.

1965, c. 130,  
s. 16, cl. g,  
amended

(2) Clause *g* of the said section 16 is amended by striking out "Comptroller" in the first line and inserting in lieu thereof "Minister".

Commence-  
ment

**12.**—(1) This Act, except section 6, comes into force on the day it receives Royal Assent.

Idem

(2) Section 6 comes into force on the 1st day of June, 1970.

Short title

**13.** This Act may be cited as *The Tobacco Tax Amendment Act, 1970*.

## CHAPTER 10

**An Act respecting the making of Loans to Fishermen and Others affected by the Prohibition of Fishing resulting from Pollution of Waters**

*Assented to May 4th, 1970  
Session Prorogued November 13th, 1970*

**W**HEREAS by reason of the contamination of fish <sup>Preamble</sup> resulting from the pollution of waters in Ontario it has and may become necessary to prohibit the taking of fish in waters in Ontario;

AND WHEREAS the prohibition of the taking of fish has created and may create temporary financial hardships to persons engaged in commercial fishing and other businesses dependent in whole or in part on the taking of fish;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act "Minister" means the Minister of Lands <sup>Interpre-</sup> and Forests. <sup>tation</sup>

**2.**—(1) The Minister on behalf of Her Majesty the Queen in <sup>Loans</sup> right of Ontario may make loans with or without interest in such amounts and upon such terms and conditions as he considers appropriate to a person carrying on the business of commercial fishing or any other business dependent in whole or in part on the taking of fish from waters in which such taking has been prohibited by reason of the contamination of fish resulting from pollution of the waters.

(2) Where the Minister takes any action under this section, <sup>Minister</sup> he shall, quarterly or at the first appropriate time when <sup>to table</sup> the Assembly is sitting, <sup>report</sup> table a report in connection with such action and set out clearly in such a report the basis of the terms and conditions he considers appropriate in taking any such action.

## Agreements

**3.** The Minister may on behalf of the Province of Ontario enter into agreements with the Government of Canada in respect of the payment to the Province of Ontario of a share of the principal and other cost of loans made under section 2 and matters related to such loans on such terms and conditions as may be agreed upon.

## Funds

**4.** The moneys required for the purposes of section 2 shall be paid out of the Consolidated Revenue Fund.

Commence-  
ment

**5.** This Act shall be deemed to have come into force on the 20th day of April, 1970.

## Short title

**6.** This Act may be cited as *The Fisheries Loans Act, 1970*.

## CHAPTER 11

**An Act to amend  
The Residential Property Tax Reduction Act,  
1968**

*Assented to May 14th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 1 of *The Residential Property Tax Reduction Act, 1968* is repealed and the following substituted therefor: <sup>1968, c. 118, s. 1, subs. 1, re-enacted</sup>

(1) In this Act,

Interpreta-  
tion

- (a) “Department” means the Department of Municipal Affairs;
- (b) “land” means land as defined in *The Assessment Act, 1968-69*, <sup>c. 6</sup> 1968-69;
- (c) “local municipality” means a city, town, village or township, a board of a school section or high school district in territory without municipal organization, a divisional board in relation to district municipalities in territory without municipal organization, and a separate school board that levies and collects taxes for the purposes of the board;
- (d) “Minister” means the Minister of Municipal Affairs;
- (e) “municipal taxes” means all taxes for municipal and school purposes imposed by a mill rate on rateable property;
- (f) “number of residential properties” means the number of properties in respect of which reimbursement is made under subsection 1 of section 5, exclusive of the number of properties in respect of which reimbursement is made for part of the year only;

(g)

R.S.O. 1960,  
c. 249

(g) “residential and farm assessment” means the assessment for real property except the assessment for real property mentioned in clauses *a* and *c* of subsection 2 of section 294 of *The Municipal Act*, according to the last revised assessment roll;

1968-69, c. 6

(h) “residential property” means land separately assessed under paragraph 2 of subsection 2 of section 17 of *The Assessment Act, 1968-69* upon which there is a building used or intended to be used as a residence;

(i) “residential tax levy” means the municipal taxes levied on residential and farm assessment less reductions in such taxes made under this Act.

1968, c. 118,  
s. 1, subs. 2,  
re-enacted

(2) Subsection 2 of the said section 1, as amended by section 1 of *The Residential Property Tax Reduction Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Where part  
of land  
should have  
been  
separately  
assessed

(2) Where any person who has an interest as owner or tenant in any land believes that any part or parts of such land should have been separately assessed in the year preceding the year for which a tax reduction is sought, he may apply not later than the 31st day of January in the year next following the year for which the tax reduction is sought to the treasurer of the local municipality, and, if the treasurer is satisfied that this is the case, he may so certify, and thereupon such part or parts of such land shall be deemed to have been separately assessed for the purposes of this Act.

Where part  
of land  
assessed in  
1968 should  
have been  
separately  
assessed

(3) Notwithstanding subsection 2, where any person who has an interest as owner or tenant in any land believes that any part or parts of such land should have been separately assessed in the year 1968, he may apply not later than the 30th day of June, 1970, to the treasurer of the local municipality, and, if the treasurer is satisfied that this is the case, he may so certify, and thereupon such part or parts of such land shall be deemed to have been separately assessed in the year 1968 for the purposes of this Act.

1968, c. 118,  
s. 2,  
amended

**2.** Section 2 of *The Residential Property Tax Reduction Act, 1968*, as amended by section 2 of *The Residential Property Tax Reduction Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Reduction of  
municipal  
taxes

2.—(1) Notwithstanding any general or special Act and subject to section 3, every local municipality shall reduce the municipal taxes required to be paid on each residential property in each year by,

(a)

- (a) the amount of \$30, plus an amount equal to 10 per cent of the residential tax levy in the local municipality in the preceding year divided by the number of residential properties in the local municipality in the preceding year; or
- (b) an amount equal to 50 per cent of the total of municipal taxes on such residential property,

whichever is the lesser, provided that where taxes are levied under section 43 of *The Assessment Act*,<sup>1968-69, c. 6</sup> 1968-69, the reduction to be made under this section shall be the proportion of the reduction that would otherwise be made under this section that the number of months remaining in the year, after such levy, bears to the number 12.

- (2) Where a payment in lieu of taxes is made to a local municipality by the Crown in right of Ontario or any agency thereof or The Hydro-Electric Power Commission of Ontario in any year in respect of residential property, the Crown, agency or Commission shall reduce the payment in lieu of taxes by the amount that a tenant thereof would otherwise be entitled to under this Act if the residential property were liable to taxation and shall pay or allow as a reduction in rent such amount to the tenant.

3. Section 3 of *The Residential Property Tax Reduction Act*,<sup>1968, c. 118, s. 3, re-enacted</sup> 1968 is repealed and the following substituted therefor:

- 3. Except for residential properties in respect of which reductions were made for part of the preceding year only and except for residential properties in respect of which reductions were made under clause *b* of subsection 1 of section 2 in the preceding year, the reduction provided for under section 2 in respect of each residential property shall not be less than the amount of the previous year's reduction in respect of each such property minus \$5 or more than the amount of the previous year's reduction in respect of each such property plus \$15.

4.—(1) Subsection 2 of section 5 of *The Residential Property Tax Reduction Act*, 1968 is amended by striking out<sup>1968, c. 118, s. 5, subs. 2, amended</sup> "section 131 of *The Assessment Act*" in the first and second lines and inserting in lieu thereof "section 76 of *The Assessment Act*, 1968-69", so that the subsection shall read as follows:

Adjustment  
re  
cancellations,  
reductions or  
refunds  
1968-69, c. 6

- (2) Where a local municipality has, under section 76 of *The Assessment Act, 1968-69*, made a cancellation, reduction or refund of taxes in respect of any residential property there shall be an adjustment as between the Province and the municipality of the amounts paid or payable under subsection 1.

1968, c. 118,  
s. 5, subs. 3  
(1968-69,  
c. 112, s. 3),  
re-enacted

- (2) Subsection 3 of the said section 5, as enacted by section 3 of *The Residential Property Tax Reduction Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Payment of  
amount of  
reduction  
allowed  
tenants of  
Crown

- (3) Every local municipality may apply to the Department requesting that it be reimbursed for the amount by which payments to it in lieu of taxes have been reduced by the Crown in right of Canada or Ontario and any agency thereof and The Hydro-Electric Power Commission of Ontario for the purpose of paying or allowing as a reduction in rent to tenants of the Crown, agency or Commission amounts that such tenants would otherwise be entitled to under this Act if the residential properties occupied by them were liable to taxation, and the Treasurer of Ontario shall pay to the municipality the total amount of such reductions, but where a payment in lieu of taxes on a residential property is less than the taxes which would have been levied had the property been liable to taxation, the amount of the residential property tax reduction shall be in the same ratio that the mill rate used to calculate the payment in lieu of taxes in the preceding year bears to the total mill rate that would have been levied in that same year had the property been liable to taxation.

1968, c. 118,  
s. 6,  
amended

- 5.—(1) Section 6 of *The Residential Property Tax Reduction Act, 1968* is amended by adding thereto the following clauses:

(aa) varying the amounts provided in section 2 or 3;

(ab) prescribing the amount of the tax reduction in respect of residential properties in any local municipality, where in the opinion of the Minister application of the provisions of sections 2 and 3 would not be appropriate due to an alteration in municipal boundaries.

1968, c. 118,  
s. 6, cl. c,  
repealed

- (2) Clause *c* of the said section 6 is repealed.

Commence-  
ment

6. This Act shall be deemed to have come into force on the 1st day of January, 1970.

Short title

7. This Act may be cited as *The Residential Property Tax Reduction Amendment Act, 1970*.

## CHAPTER 12

## An Act to amend The Loggers' Safety Act, 1962-63

*Assented to May 14th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *b* of section 1 of *The Loggers' Safety Act*, 1962-63, 1962-63, c. 76, s. 1, is repealed and the following substituted therefor: cl. *b*,  
re-enacted

- (*b*) “logger” means a person who engages in logging and includes an operator and an employee of an operator in the course of his employment on a site on which logging is conducted.

(2) Clause *c* of the said section 1 is amended by inserting 1962-63, c. 76, s. 1, after “the” in the second line “measuring”, so that the clause cl. *c*,  
amended shall read as follows:

- (*c*) “logging” means the operation of felling or trimming trees or the measuring, storing, transporting or floating of logs.

**2.** Subsection 2 of section 2 of *The Loggers' Safety Act*, 1962-63, 1962-63, c. 76, s. 2, is amended by adding at the end thereof “and for his subs. 2,  
amended personal use”, so that the subsection shall read as follows:

- (2) This Act does not apply to logging being done in Where Act  
does not  
apply person and solely by an individual on his own behalf and for his personal use.

**3.**—(1) Subsection 1 of section 9 of *The Loggers' Safety Act*, 1962-63, 1962-63, c. 76, s. 9, as amended by section 4 of *The Loggers' Safety Amendment Act*, 1965, is repealed and the following substituted therefor: subs. 1,  
re-enacted

- (1) Where an accident, industrial disease, explosion or Notice of  
accidents fire causes bodily injury to a logger whereby he is prevented or is likely to be prevented from working

beyond

beyond the day of the occurrence, a notice of the occurrence in the prescribed form shall be delivered or mailed to the chief officer by the operator.

1962-63,  
c. 76, s. 9,  
subs. 2,  
re-enacted

(2) Subsection 2 of the said section 9 is repealed and the following substituted therefor:

When notice  
to be sent

(2) Such notice shall be delivered or mailed by the operator within three days after he learns of an occurrence mentioned in subsection 1.

1962-63,  
c. 76, s. 10,  
subs. 1,  
amended

**4.** Subsection 1 of section 10 of *The Loggers' Safety Act, 1962-63* is amended by striking out "critically injured" in the first line and inserting in lieu thereof "hospitalized through injury".

Commence-  
ment

**5.** This Act comes into force on the 1st day of September, 1970.

Short title

**6.** This Act may be cited as *The Loggers' Safety Amendment Act, 1970*.

## CHAPTER 13

**An Act to amend  
The Forest Fires Prevention Act, 1968**

*Assented to May 14th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 16 of *The Forest Fires Prevention Act, 1968* <sup>1968, c. 44, s. 16, amended</sup> is amended by adding thereto the following subsection:

(2) Subsection 1 does not apply to material that has <sup>Exception</sup> been ground, chipped or shredded in an installation approved in the work permit authorizing the clearing of the land.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Forest Fires Prevention* <sup>Short title</sup> *Amendment Act, 1970.*



## CHAPTER 14

## An Act to amend The Municipal Act

*Assented to May 14th, 1970*  
*Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960, c. 249, amended

294b.—(1) Notwithstanding any general or special Act, Universities liable to tax the council of a local municipality designated by the Lieutenant Governor in Council may pass by-laws to levy an annual tax upon a university designated by the Lieutenant Governor in Council, not exceeding the sum of \$25 a year for each full-time student enrolled in such university on the 1st day of December in the year preceding the year of levy as determined by the Minister of University Affairs.

(2) Any tax levied under a by-law passed under sub-section 1 is collectable in the same manner as municipal taxes are collectable and is a special lien on the land under section 532. How tax collectable

(3) The tax collected under this section shall be credited by the municipality to the general fund of the municipality. Tax to be credited to general funds

(4) The assessment of a municipality that levies or could have levied a tax under this section that is used for apportioning, Municipal assessment deemed increased

(a) a county rate under section 73 of *The Assessment Act, 1968-69*; 1968-69, c. 6

(b) a metropolitan levy under sections 230 and 230b of *The Municipality of Metropolitan Toronto Act*, except a levy for public or secondary school purposes; R.S.O. 1960, c. 260

(c)

1968, c. 115

(c) a regional levy under section 108 of *The Regional Municipality of Ottawa-Carleton Act, 1968*; or

1968-69,  
c. 106

(d) a regional levy under section 126 of *The Regional Municipality of Niagara Act, 1968-69*,

shall be deemed to be increased by an amount that would have produced the amount of the tax levied or that could have been levied under this section by the taxation of real property at the rate applicable to residential and farm property in the preceding year for all purposes other than school purposes.

Commence-  
ment

**2.** This Act shall be deemed to have come into force on the 1st day of January, 1970.

Short title

**3.** This Act may be cited as *The Municipal Amendment Act, 1970*.

## CHAPTER 15

**The Regional Municipal Grants Act, 1970***Assented to May 14th, 1970**Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## INTERPRETATION

**1. In this Act,**Interpre-  
tation

- (a) "acres in the area municipality" means the area in acres of the municipality, excluding land covered by water, as certified by the Assessment Commissioner or Assessor;
- (b) "area municipality" means an area municipality as defined by *The Regional Municipality of Niagara Act, 1968-69*, *The Regional Municipality of Ottawa-Carleton Act, 1968* and *The Municipality of Metropolitan Toronto Act*; <sup>1968-69, c. 106</sup> <sup>1968, c. 115</sup> <sup>R.S.O. 1960, c. 260</sup>
- (c) "density" means the total number of residential properties in an area municipality divided by the acres in the area municipality correct to two places of decimals;
- (d) "Department" means the Department of Municipal Affairs;
- (e) "Minister" means the Minister of Municipal Affairs;
- (f) "population of a regional municipality" means the aggregate of the populations, determined or re-determined in accordance with section 4, of the area municipalities within such regional municipality;
- (g) "regional municipality" means The Regional Municipality of Niagara, The Regional Municipality of Ottawa-Carleton and The Municipality of Metropolitan Toronto;

(h)

1968-69, c. 6

- (h) "residential property" means land separately assessed under paragraph 2 of subsection 2 of section 17 of *The Assessment Act, 1968-69* upon which there is a building used or intended to be used as a residence.

## PART I

## CALCULATION OF THE GRANT

Per capita grants

**2.** In each year there shall be paid out of the moneys appropriated therefor by the Legislature to each regional municipality a per capita payment or payments in accordance with the population of the area municipalities within the regional municipality under this Act as follows:

1. \$7.00 per capita.
2. 50 cents per capita to represent a share of fines, except those levied under municipal by-laws.
3. An amount per capita in accordance with the Schedule based on the density of each area municipality.
4. \$1.50 per capita for the year 1971 and each subsequent year where a regional municipality is deemed to be a city for the purpose of *The Police Act*.

R.S.O. 1960,  
c. 298Credit to  
area municipalities

**3.—(1)** In each year the regional municipality shall credit each area municipality with an amount calculated by multiplying the population of the area municipality as determined under section 4 by the sum of,

- (a) \$7.50;
- (b) the amount as determined under paragraph 3 of section 2; and
- (c) \$1.50 where a regional municipality is deemed to be a city for the purposes of *The Police Act*, except that no amount shall be included under this clause for the year 1970.

Idem

(2) Notwithstanding subsection 1, where in the opinion of the Department the population of an area municipality as determined under section 4 has increased by an amount equal to 7 per cent of the population as so determined, the Department shall redetermine the population of that area municipality for the purposes of this section, and the amount to be credited to each area municipality, other than the amount

determined

determined under paragraph 3 of section 2, shall be an amount that bears the same proportion to the total amount paid to the regional municipality under paragraphs 1, 2 and 4 of section 2 as the population of the area municipality as so determined or redetermined bears to the total of the populations of the area municipalities as so determined or redetermined.

4.—(1) The population of the area municipalities for the purposes of this Act shall be determined in accordance with *The Municipal Unconditional Grants Act*. Determination of population  
R.S.O. 1960,  
c. 259

(2) Notwithstanding subsection 1, for the purposes of the payments in the years 1970 and 1971 the population of each area municipality within The Regional Municipality of Ottawa-Carleton and The Municipality of Metropolitan Toronto shall be determined by the Department and shall equal in total the populations as determined for the purposes of the payment in 1969 under section 7 of *The Municipal Unconditional Grants Act* to such municipalities. Idem  
R.S.O. 1960,  
c. 259

(3) Notwithstanding subsection 1, for the purposes of the payments in the years 1970 and 1971, the population of each area municipality in The Regional Municipality of Niagara shall be determined in such manner as the Department considers proper. Idem

(4) Notwithstanding subsections 2 and 3, the Department may redetermine the population of the area municipalities within a regional municipality whenever in its opinion the population of the regional municipality has increased by 7 per cent of the population of the regional municipality as determined for the purposes of the payments in 1970 under this Act. Redetermination of population

5.—(1) No payments shall be made to a regional municipality or to an area municipality under section 7 of *The Municipal Unconditional Grants Act*. No payments under  
R.S.O. 1960,  
c. 259, s. 7

(2) Notwithstanding section 2, the moneys required for the purposes of this Act in the year 1970 shall be paid out of the Consolidated Revenue Fund. Moneys

## PART II

### LEVIES

6. In this Part,

Interpretation

(a) "commercial assessment" means the total of,

(i) the assessment for real property that is used as a basis for computing business assessment

including

including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan or regional corporation or local board thereof,

(ii) the business assessment, and

(iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies,

according to the last revised assessment roll;

(b) "net regional levy" means the amount required for metropolitan and regional purposes including the sums required by law to be provided for any board, commission or other body but excluding school purposes, apportioned to each area municipality by,

(i) the Metropolitan Council under sections 230 and 230b of *The Municipality of Metropolitan Toronto Act*,

(ii) the Regional Council under section 108 of *The Regional Municipality of Ottawa-Carleton Act, 1968*, or

(iii) the Regional Council under section 126 of *The Regional Municipality of Niagara Act, 1968-69*,

reduced by the amount credited to each area municipality under section 3;

(c) "residential and farm assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

R.S.O. 1960,  
c. 260

1968, c. 115

1968-69,  
c. 106

Levy by  
area muni-  
cipality

R.S.O. 1960,  
c. 249

**7.—(1)** The council of each area municipality shall levy, in the manner provided by this section, the sums adopted for all purposes, excluding school purposes, in accordance with section 297 of *The Municipal Act*, together with a sum equal to the sums required by law to be provided by the council to meet the net regional levy.

(2) Notwithstanding section 294 of *The Municipal Act*, <sup>Determin-  
ation of</sup> the rates to be levied in each year in an area municipality <sup>rates</sup> shall be determined in the following manner:

1. Add 85 per cent of the residential and farm assessment to the commercial assessment.
2. Multiply the aggregate of the net regional levy and the sums adopted in accordance with section 297 of *The Municipal Act* for all purposes excluding school purposes by 1000 and divide the product by the total determined under paragraph 1.
3. The rate to be levied on commercial assessment shall be the rate determined under paragraph 2.
4. The rate to be levied on residential and farm assessment shall be 85 per cent of the rate determined under paragraph 2.

**8.—(1)** In this section,

Interpre-  
tation

- (a) "area municipality" means area municipality as defined in clause *a* of section 1 of *The Regional Municipality of Niagara Act, 1968-69*; <sup>1968-69,  
c. 106</sup>
- (b) "merged area" means merged area as defined in clause *j* of section 1 of *The Regional Municipality of Niagara Act, 1968-69*;
- (c) "rateable property" means rateable property as defined in section 123 of *The Regional Municipality of Niagara Act, 1968-69*.

(2) Notwithstanding section 7, the net regional levy and the sums adopted in accordance with section 297 of *The Municipal Act* for all purposes excluding school purposes levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized assessment of each merged area bears to the total equalized assessment of the area municipality both according to the last revised assessment roll as equalized by the Department in accordance with subsection 4 of section 128 of *The Regional Municipality of Niagara Act, 1968-69*. <sup>Apportion-  
ment among  
merged  
areas  
R.S.O. 1960,  
c. 249</sup>

(3) The rates to be levied in each merged area shall be determined in accordance with paragraphs 1 to 4 of subsection 2 of section 7. <sup>Determin-  
ation of  
rates</sup>

Reference  
to 1968-69,  
c. 106,  
s. 128

**9.** In subsection 6 of section 129 of *The Regional Municipality of Niagara Act, 1968-69* the reference to section 128 shall be deemed to be a reference to section 7 of this Act.

Repeals

**10.** The following are repealed:

R.S.O. 1960,  
c. 260, s. 231

1. Section 231 of *The Municipality of Metropolitan Toronto Act*, as amended by section 9 of *The Municipality of Metropolitan Toronto Amendment Act, 1967*.

1968, c. 115,  
s. 110

2. Section 110 of *The Regional Municipality of Ottawa-Carleton Act, 1968*.

1968-69, c.  
106, s. 127,  
s. 128, subss.  
1-3, 6-10,  
Schedule

3. Section 127 and subsections 1, 2, 3, 6, 7, 8, 9 and 10 of section 128 and the Schedule thereto of *The Regional Municipality of Niagara Act, 1968-69*.

Commence-  
ment

**11.** This Act shall be deemed to have come into force on the 1st day of January, 1970.

Short title

**12.** This Act may be cited as *The Regional Municipal Grants Act, 1970*.

## SCHEDULE

DENSITY	AMOUNT PER CAPITA
0.15 and under	\$5.00
Over 0.15 to 0.30	4.00
Over 0.30 to 0.45	3.00
Over 0.45 to 0.60	2.00
Over 0.60 to 0.75	1.00
Over 0.75	Nil



## CHAPTER 16

## An Act to amend The Warble Fly Control Act

*Assented to May 14th, 1970*  
*Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *d* of section 1 of *The Warble Fly Control Act* <sup>R.S.O. 1960, c. 422, s. 1, cl. *d*, amended</sup> is amended by adding at the end thereof “and Food”, so that the clause shall read as follows:

(*d*) “Minister” means the Minister of Agriculture and Food.

(2) Clause *e* of the said section 1 is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 422, s. 1, cl. *e*, re-enacted</sup>

(*e*) “municipality” means a city, town, village or township.

(3) Clause *g* of the said section 1 is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 422, s. 1, cl. *g*, re-enacted</sup>

(*g*) “treated for warble fly” means treated by a method prescribed in the regulations.

**2.** Subsection 1 of section 3 of *The Warble Fly Control Act* <sup>R.S.O. 1960, c. 422, s. 3, subs. 1, amended</sup> is amended by striking out “shall” in the fifth line and inserting in lieu thereof “may”, so that the subsection shall read as follows:

(1) Where the council of a municipality has passed a by-law under this Act, the council shall appoint before the 1st day of April in each year one or more inspectors to enforce the by-law, and for the treatment of cattle for warble fly, may purchase in such amounts as may be required such ingredients as may be designated by the regulations, and may purchase or otherwise acquire such equipment as it deems necessary. <sup>Appointment of inspectors; purchase of supplies</sup>

R.S.O. 1960,  
c. 422, s. 4,  
subs. 2,  
amended

**3.**—(1) Subsection 2 of section 4 of *The Warble Fly Control Act* is amended by striking out “on or after the 18th day of April in any year” in the first and second lines and inserting in lieu thereof “during such periods in any year as may be prescribed in the regulations”, so that the subsection shall read as follows:

Power of  
inspectors to  
treat for  
warble fly

(2) Where an inspector during such periods in any year as may be prescribed in the regulations finds upon inspection that a cattle owner has not treated his cattle for warble fly, or that treatment for warble fly by a cattle owner has not been effective in destroying warble fly grubs, the inspector may treat the cattle or cause the cattle to be treated for warble fly.

R.S.O. 1960,  
c. 422, s. 4,  
subs. 3,  
re-enacted

(2) Subsection 3 of the said section 4 is repealed and the following substituted therefor:

Cost of  
treatment  
for warble  
fly

(3) Where an inspector treats cattle or causes cattle to be treated for warble fly, the cattle owner is liable for the cost of the treatment, and such cost is payable on demand and is recoverable in any court of competent jurisdiction.

R.S.O. 1960,  
c. 422, s. 7,  
cl. a,  
re-enacted

**4.**—(1) Clause *a* of section 7 of *The Warble Fly Control Act* is repealed and the following substituted therefor:

(a) prescribing methods of treatment for warble fly.

R.S.O. 1960,  
c. 422, s. 7,  
amended

(2) The said section 7 is amended by adding thereto the following clause:

(ba) prescribing periods of the year for the purposes of subsection 2 of section 4.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Warble Fly Control Amendment Act, 1970*.

## CHAPTER 17

**An Act to amend The Provincial Parks Act**

*Assented to May 14th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Provincial Parks Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 314,  
amended

3c. The Minister, with the approval of the Lieutenant Governor in Council, may appoint committees to perform such advisory functions as are considered necessary or desirable in connection with the administration of one or more of the provincial parks and fix the terms of reference and procedures of such committees. Advisory  
committee

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Provincial Parks Amendment Act, 1970*. Short title



## CHAPTER 18

**An Act to amend  
The Bills of Sale and Chattel Mortgages Act**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 1 of *The Bills of Sale and Chattel Mortgages Act* is amended by adding thereto the following clauses: R.S.O. 1960,  
c. 34, s. 1,  
amended

(da) “prescribed form” means a form provided or approved under this Act by the registrar;

(db) “registrar” means the registrar of personal property security appointed under *The Personal Property Security Act*, 1967; 1967, c. 73

(2) The said section 1 is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 34, s. 1,  
amended

(2) Any reference in this Act to the Provincial Secretary shall be deemed to be a reference to the Minister of Financial and Commercial Affairs. Reference to  
Provincial  
Secretary

**2.** *The Bills of Sale and Chattel Mortgages Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 34,  
amended

5a.—(1) Where a mortgage has been made out of Ontario with reference to goods and chattels not then in Ontario which if made in Ontario with reference to goods and chattels in Ontario would come within this Act and the goods and chattels are brought into Ontario, the mortgage is subject to this Act, but the period for registering in the office of the clerk of the county or district court of the county or district to which the property mortgaged is brought is within sixty days after the date on which the goods and chattels are brought into Ontario, and a true copy of the mortgage may be registered in lieu of the original thereof. Mortgage  
made out of  
Ontario and  
goods sub-  
sequently  
brought into  
Ontario

Idem

- (2) A mortgage may be registered under subsection 1 notwithstanding it does not comply with the provisions of,

(a) section 4, relating to affidavits of execution and *bona fides*; or

(b) section 13, relating to the contents of the mortgage.

R.S.O. 1960,  
c. 34, s. 9,  
amended

**3.** Section 9 of *The Bills of Sale and Chattel Mortgages Act* is amended by inserting after "therein" in the second line "or in any prescribed form relating thereto", so that the section shall read as follows:

When  
defects not  
to invalidate

9. A mortgage or conveyance is not invalidated by reason only of clerical errors or omissions therein or in any prescribed form relating thereto or in the affidavits of execution and *bona fides* unless such errors or omissions are calculated to mislead or deceive or have the effect of misleading or deceiving.

R.S.O. 1960,  
c. 34, s. 13  
(1967, c. 8,  
s. 1),  
amended

**4.—(1)** Section 13 of *The Bills of Sale and Chattel Mortgages Act*, as re-enacted by section 1 of *The Bills of Sale and Chattel Mortgages Amendment and Repeal Act, 1967*, is amended by striking out "agreement or renewal statement" in the first and second lines and inserting in lieu thereof "or agreement" so that the section, exclusive of the clauses, shall read as follows:

Contents  
of  
documents  
required to  
be  
registered

13. Every mortgage, conveyance or agreement required to be registered under this Act on or after the 1st day of January, 1968, shall, in addition to the other requirements of this Act, contain and legibly set forth at least,

. . . . .

R.S.O. 1960,  
c. 34, s. 13  
(1967, c. 8,  
s. 1), cl. a,  
amended

(2) Clause *a* of the said section 13 is amended by striking out "full" in the first line, so that the clause shall read as follows:

(a) the name and address of the mortgagor or bargainor.

R.S.O. 1960,  
c. 34, s. 13  
(1967, c. 8,  
s. 1), cl. b,  
amended

(3) Clause *b* of the said section 13 is amended by striking out "full" in the first line, so that the clause shall read as follows:

(b) the name and address of the mortgagee or bargainee and of his assignee, if any.

Names not  
set forth in  
full, etc.

(4) A mortgage, conveyance, agreement or renewal statement registered on or after the 1st day of January, 1968, and before the day this section comes into force, is not invalidated

nor is its effect destroyed by reason only of a failure to set forth therein in full the name and address of the mortgagor or bargainor or of the mortgagee or bargainee or of his assignee, nor is any such renewal statement invalidated or its effect destroyed by reason only of a failure to set forth therein a description of the goods and chattels mortgaged or sold sufficient to identify them or to set forth the terms and conditions of the mortgage, conveyance or agreement, unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the mortgage, conveyance, agreement or renewal statement and in such case the judge or court may make such order as the judge or court considers appropriate.

5. Section 35 of *The Bills of Sale and Chattel Mortgages Act*, as re-enacted by section 2 of *The Bills of Sale and Chattel Mortgages Amendment and Repeal Act, 1967*, is amended by adding at the end thereof "and, in connection with conveyances, to the fees prescribed by the regulations made under this Act", so that the section shall read as follows:

R.S.O. 1960,  
c. 34, s. 35  
(1967, c. 8,  
s. 2),  
amended

35. The clerk is entitled for services under this Act in connection with chattel mortgages to the fees prescribed by the regulations made under *The Personal Property Security Act, 1967*, and, in connection with conveyances, to the fees prescribed by the regulations made under this Act.

Fees  
1967, c. 73

6. Section 36 of *The Bills of Sale and Chattel Mortgages Act*, as enacted by section 3 of *The Bills of Sale and Chattel Mortgages Amendment and Repeal Act, 1967*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 34, s. 36  
(1967, c. 8,  
s. 3),  
re-enacted

36. Notwithstanding anything in this Act, the registration of a chattel mortgage or a renewal statement that at the time the instrument was tendered for registration was accompanied by a statement in the prescribed form, has effect for three years after the date of registration instead of one year as provided by section 24.

Registra-  
tions are for  
3 years when  
accompanied  
by  
prescribed  
form of  
statement

7. *The Bills of Sale and Chattel Mortgages Act* is amended by adding thereto the following sections:

R.S.O. 1960,  
c. 34,  
amended

37. Where required by the regulations made under this Act,

When  
instrument  
tendered for  
registration  
to be accom-  
panied by  
statement

(a) a mortgage or conveyance; or

(b) an assignment, renewal or discharge of a mortgage,

shall

shall, when tendered for registration as provided by this Act, be accompanied by a statement that sets forth on the prescribed form the information prescribed by the regulations.

## Regulations

38. The Lieutenant Governor in Council may make regulations,

- (a) prescribing additional duties of the clerks of the county and district courts in connection with the registration of documents under this Act;
- (b) requiring or permitting a statement to accompany any instrument tendered for registration under this Act, prescribing the information to be contained in such statement and the manner of recording such information, and for requiring that the forms of statements to be used shall be those provided or approved by the registrar;
- (c) providing for the approval by the registrar of the forms of statements to accompany documents tendered for registration under this Act, and for the withdrawal by the registrar of any such approval;
- (d) requiring the payment of fees and prescribing the amounts thereof;
- (e) providing that clause *d* of section 27 of *The Interpretation Act* does not apply to a prescribed form;
- (f) defining any expression used in the regulations;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

R.S.O. 1960,  
c. 191

1967, c. 8,  
s. 5, subs. 3,  
repealed

**8.** Subsection 3 of section 5 of *The Bills of Sale and Chattel Mortgages Amendment and Repeal Act, 1967*, is repealed.

Commence-  
ment

**9.—(1)** This Act, except section 5, comes into force on the day it receives Royal Assent.

Idem

(2) Section 5 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**10.** This Act may be cited as *The Bills of Sale and Chattel Mortgages Amendment Act, 1970*.

## CHAPTER 19

## An Act to consolidate and revise The Law Society Act

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "bencher" means a bencher of the Society;
  - (b) "Convocation" means a regular or special meeting of the benchers convened for the purpose of transacting business of the Society;
  - (c) "member" means a member of the Society and includes a life member but does not include an honorary member or a student member;
  - (d) "regulations" means the regulations made under this Act;
  - (e) "rules" means the rules made under this Act;
  - (f) "Secretary" means the Secretary of the Society;
  - (g) "Society" means The Law Society of Upper Canada;
  - (h) "Treasurer" means the Treasurer of the Society.
- R.S.O. 1960, c. 207, s. 1, *amended*.

### THE SOCIETY

**2.** The Law Society of Upper Canada authorized to be established by an Act of the Parliament of Upper Canada passed in the thirty-seventh year of the reign of his late Majesty George III and incorporated by an Act of the Parliament of Upper Canada passed in the second year of the reign of his late Majesty George IV is hereby continued as a corporation without share capital composed of the Treasurer, the benchers and the other members from time to time.

Society continued  
1797, c. 13  
1822, c. 5

R.S.O. 1960, c. 207, s. 2, *part, amended*.

Annual  
meeting

**3.** A meeting of the members shall be held annually at such place and at such time as is determined from time to time in Convocation, notice of which shall be given by publication as provided by the rules. *New.*

Seat

**4.** The permanent seat of the Society shall continue to be at Osgoode Hall in the City of Toronto. *New.*

Acquisition  
and  
disposition  
of property

**5.**—(1) The Society may purchase, acquire, take by gift, bequest, devise, donation, or otherwise any real or personal property for its purposes, and it may hold, sell, mortgage, lease, or dispose of any of its real or personal property. R.S.O. 1960, c. 207, s. 2, *amended.*

Trustee  
powers

(2) The Society has and may exercise all powers of trustees under the laws of Ontario.

Borrowing  
power

(3) The Society may borrow money for its purposes. *New.*

R.S.O. 1960,  
c. 71,  
ss. 75a, 326  
not to apply

**6.**—(1) Sections 75a and 326 of *The Corporations Act* do not apply to the Society.

Conflict

(2) In the event of conflict between any provision of this Act and any provision of *The Corporations Act*, the provision of this Act prevails. *New.*

Treasurer

**7.** The Treasurer is the president and head of the Society. *New.*

Secretary

**8.** The Secretary is the chief administrative officer of the Society. *New.*

Liability  
of benchers,  
officers and  
employees

**9.** No action or other proceedings for damages shall be instituted against the Treasurer or any bencher, official of the Society, or person appointed in Convocation for any act done in good faith in the performance or intended performance of any duty or in the exercise or in the intended exercise of any power under this Act, a regulation or a rule, or for any neglect or default in the performance or exercise in good faith of any such duty or power. *New.*

#### BENCHERS

Government  
of the  
Society

**10.** The benchers shall govern the affairs of the Society, including the call of persons to practise at the bar of the courts of Ontario and their admission and enrolment to practise as solicitors in Ontario. *New.*

Honorary  
benchers

**11.** Every person,

(a) who is an honorary bencher on the day this Act comes into force; or

(b)

(b) who after that day is made an honorary bencher,  
is an honorary bencher but as such has only the rights and  
privileges prescribed by the rules. *New.*

**12.—**(1) The following, if and while they are members, are <sup>*Ex officio*</sup>  
*ex officio* benchers:

1. The Minister of Justice and Attorney General for Canada.
2. The Solicitor General for Canada.
3. The Minister of Justice and Attorney General for Ontario and every person who has held that office or the office of Attorney General for Ontario.
4. Every retired judge of the Supreme Court of Canada or of the Exchequer Court of Canada who was at the time of his appointment a member of the bar of Ontario and who became an *ex officio* bencher under paragraph 5 of section 5 of *The Law Society Act* as that paragraph was before it was repealed in 1964. <sup>R.S.O. 1960, c. 207</sup>
5. Every retired judge of the Supreme Court of Ontario who became an *ex officio* bencher under paragraph 6 of section 5 of *The Law Society Act* as that paragraph was before it was repealed in 1964.
6. Every person who was elected a bencher at four quinquennial elections and became an *ex officio* bencher under paragraph 4 of section 5 of *The Law Society Act* as that paragraph was before it was re-enacted in 1964.
7. Every person who was elected a bencher at three quinquennial elections and served as a bencher for fifteen years and became an *ex officio* bencher under paragraph 4 of section 5 of *The Law Society Act* as that paragraph was before it was re-enacted in 1964. 1964, c. 54, s. 1, *amended*.
8. Every person who is elected a bencher at three elections and serves as a bencher for fifteen years before the election in 1975. *New.*
9. Every person who is elected a bencher at four elections and who serves as a bencher for sixteen years. 1964, c. 54, s. 1 (2), *part, amended*.

(2) An *ex officio* bencher under subsection 1 has all the <sup>Rights and privileges</sup>  
rights and privileges prescribed by the rules, except that after  
the election of benchers in 1971 he no longer shall have the  
right to vote in Convocation or in a committee. *New.*

Attorney  
General  
has vote

(3) Notwithstanding subsection 2, an *ex officio* benchers under paragraph 3 of subsection 1 has the right to vote in Convocation and in a committee.

Option

(4) An elected benchers who becomes qualified as an *ex officio* benchers under subsection 1 may, if he chooses, continue as an elected benchers and is eligible to be re-elected in any subsequent election of benchers without prejudice to his right to become an *ex officio* benchers at any time so long as he is still an elected benchers. *New.*

Minister of  
Justice,  
guardian of  
the public  
interest

**13.**—(1) The Minister of Justice and Attorney General for Ontario shall serve as the guardian of the public interest in all matters within the scope of this Act or having to do with the legal profession in any way, and for this purpose he may at any time require the production of any document, paper, record or thing pertaining to the affairs of the Society.

Admissions

(2) No admission of any person in any document, paper, record or thing produced under subsection 1 is admissible in evidence against that person in any proceedings other than disciplinary proceedings under this Act.

Protection  
of Minister

(3) No person who is or has been the Minister of Justice and Attorney General for Ontario is subject to any disciplinary proceedings of the Society or to any penalty imposed in Convocation or in a committee of benchers for anything done by him while exercising the functions of such office. *New.*

Treasurers  
and former  
Treasurers  
are *ex officio*  
benchers

**14.**—(1) Every member who has been or is elected to the office of Treasurer is an *ex officio* benchers with all the rights and privileges of an elected benchers. 1964, c. 54, s. 1 (2), *part, amended.*

Rights and  
privileges

(2) Every *ex officio* benchers under subsection 1 shall, upon attaining the age of seventy-five years, continue to be an *ex officio* benchers with all the rights and privileges prescribed by the rules, except that he no longer shall have the right to vote in Convocation or in a committee. *New.*

Election of  
benchers

**15.**—(1) An election of benchers shall be held in 1971 and in every fourth year thereafter at each of which forty benchers shall be elected by secret ballot from and by the members in accordance with this Act and the rules. R.S.O. 1960, c. 207, s. 8 (1), *part, amended.*

Area repre-  
sentation

(2) Twenty of the forty benchers mentioned in subsection 1 shall be members whose addresses on the records of the Society on the last day for nominations are within The Municipality of Metropolitan Toronto as it is constituted on that day.

(3) Twenty of the forty benchers mentioned in subsection 1 <sup>Idem</sup> shall be members whose addresses on the records of the Society on the last day for nominations are outside The Municipality of Metropolitan Toronto as it is constituted on that day. *New.*

**16.** The benchers elected at the election of benchers in 1966 <sup>Present benchers continue</sup> or thereafter shall continue in office until those elected at the election of benchers in 1971 take office. *New.*

**17.** Every member in good standing and not in arrear to the Society for any fee or levy is an elector qualified to vote <sup>Who may vote</sup> at an election of benchers. R.S.O. 1960, c. 207, s. 9, *amended.*

**18.** No member is eligible to be a candidate for bencher <sup>Qualification of candidates</sup> at any election who is not qualified to vote at the election. R.S.O. 1960, c. 207, s. 11, *amended.*

**19.** Any bencher is eligible for re-election. R.S.O. 1960, <sup>Benchers may be re-elected</sup> c. 207, s. 12, *amended.*

**20.** Any member who was qualified to vote at an election <sup>Election petitions</sup> of benchers may, in accordance with the rules, petition Convocation against the election of any bencher. R.S.O. 1960, c. 207, s. 30, *part, amended.*

**21.** The elected benchers shall take office at the first regular <sup>Taking office</sup> Convocation following their election and, subject to this Act, shall hold office until their successors take office. R.S.O. 1960, c. 207, s. 28, *amended.*

**22.—(1)** Where there is a failure to elect the requisite <sup>Making up deficiency</sup> number of qualified benchers, the remaining benchers shall as soon as convenient supply the deficiency by electing in Convocation the requisite number of qualified members as benchers.

(2) Where there is a vacancy in the requisite number of <sup>Filling of vacancy</sup> benchers, the remaining benchers shall as soon as convenient fill the vacancy by electing in Convocation a qualified member as a bencher to fill the vacancy, but where at the last quadrennial election of benchers there were more qualified candidates than benchers to be elected, the remaining benchers shall as soon as convenient fill the vacancy by electing in Convocation as a bencher the qualified member who among the defeated candidates at such election received the greatest number of votes.

(3) The benchers elected under this section shall, subject <sup>Term of office</sup> to this Act, hold office until their successors take office. R.S.O. 1960, c. 207, s. 34, *amended.*

Removal  
for non-  
attendance

**23.** The benchers may remove from office any elected bencher who fails to attend six consecutive regular Convocations. R.S.O. 1960, c. 207, s. 29 (1), *amended*.

Quorum

**24.**—(1) Except as provided by subsection 2, ten benchers present and entitled to vote in Convocation constitute a quorum for the transaction of business.

Idem,  
disciplinary  
matters

(2) No disciplinary matter shall be dealt with in Convocation unless fifteen or more benchers are present and entitled to vote. *New*.

Election of  
Treasurer

**25.**—(1) The benchers shall annually at the regular Convocation in the month of May, or at such other time as the benchers may fix, elect one of their number as Treasurer.

Treasurer  
eligible for  
re-election

(2) The Treasurer is eligible for re-election. R.S.O. 1960, c. 207, s. 33, *amended*.

#### LAW SOCIETY COUNCIL

Law Society  
Council,  
duties

**26.**—(1) There shall be a body known as the "Law Society Council" to consider the manner in which the members of the Society are discharging their obligations to the public and generally matters affecting the legal profession as a whole.

Composition

(2) The Law Society Council shall be composed of,

- (a) the Treasurer;
- (b) the chairman and the vice-chairman of each standing committee;
- (c) the vice-president for Ontario of the Canadian Bar Association;
- (d) the president of each county or district law association or his nominee, being a member of his association;
- (e) one member who is a full-time teacher at a law school in Ontario approved by the Society, to be appointed annually by the faculty of the law school;
- (f) two student members elected annually by the student members attending the teaching period of the Bar Admission Course;
- (g) three members who have been members of the Society for not more than ten years appointed by the annual meeting of the Ontario Section of the Canadian Bar Association; and

- (h) nine persons, not being members of the Society, appointed by the Lieutenant Governor in Council for such terms as he sees fit.

(3) The Council shall meet at least twice a year and shall <sup>Meetings and report</sup> report after each meeting to the Lieutenant Governor in Council and to Convocation.

(4) The first order of business at the first meeting of the <sup>Chairman</sup> Council in any year is to elect a chairman.

(5) The Council may make such rules, procedural or other- <sup>Rules</sup> wise, as it considers appropriate for the proper conduct of its affairs.

(6) The administrative cost and all expenses of the Council <sup>Cost</sup> shall be borne and paid by the Society.

(7) The Secretary shall send to the Council as of the last <sup>Half-yearly report</sup> days of June and December in each year a statement containing, with respect to the immediately preceding six-month period, the names and addresses of the persons whose applications for admission to the Society as members or student members have been refused and giving, in each case, the reason for the refusal, together with such further information and particulars with respect to such matters as the Council may require. *New.*

#### ADMISSION OF MEMBERS

**27.—**(1) Every application for admission to the Society <sup>Form of applications</sup> shall be on the prescribed form and be accompanied by the prescribed fees.

(2) An applicant for admission to the Society shall be <sup>Good character</sup> of good character.

(3) No applicant for admission to the Society who has <sup>Where no refusal</sup> met all admission requirements shall be refused admission.

(4) No application for admission to the Society shall be <sup>Appearance before refusal</sup> refused until the applicant has been given an opportunity to appear in person before a committee of benchers.

(5) Where an applicant for admission to the Society is <sup>Statement of reasons</sup> refused admission, he is entitled to a statement of the reasons for the refusal.

(6) Where an application for admission to the Society has <sup>Subsequent applications</sup> been refused, another application based on new evidence may be made at any time *New.*

## CLASSES OF MEMBERS

Classes of  
members**28.** Subject to sections 30, 31, 32, 34, 35, 36 and 38,honorary  
members

## (a) the persons,

(i) who are honorary members of the Society on the day this Act comes into force, or

(ii) who after that day are made honorary members of the Society,

are honorary members with only the rights and privileges prescribed by the rules;

life  
members

## (b) the persons, being Canadian citizens or other British subjects,

(i) who are honorary life members on the day this Act comes into force, or

(ii) who after that day become life members,

are life members with the rights and privileges of members, and such additional rights and privileges as are prescribed by the rules;

members

## (c) the persons, being Canadian citizens or other British subjects,

(i) who are members on the day this Act comes into force, or

(ii) who after that day successfully complete the Bar Admission Course and are called to the bar and admitted and enrolled as solicitors, or

(iii) who after that day transfer from a jurisdiction outside Ontario and are called to the bar and admitted and enrolled as solicitors,

are members and entitled to practise law in Ontario as barristers and solicitors;

student  
members

## (d) the persons,

(i) who are students-at-law in the Bar Admission Course on the day this Act comes into force, or

(ii) who after that day become students-at-law in the Bar Admission Course,

are

are student members with the rights and privileges prescribed by the rules. R.S.O. 1960, c. 207, s. 4, *amended*.

**29.** Every member is an officer of every court of record in Ontario. Members are officers of the courts

**30.**—(1) A member or student member may make application to resign from the Society, and Convocation may accept the resignation of such member or student member whereupon all his rights and privileges as a member or student member, as the case may be, cease. Resignation

(2) Any former member or student member may make application for readmission as a member or student member, as the case may be, and Convocation may readmit such former member or student member. *New.* Re-admission

**31.** The membership of any member or former member who has assumed office or hereafter assumes office as, Effect of appointment to Bench

(a) a full-time judge under any Act of the Parliament of Canada; or

(b) a full-time judge under *The Provincial Courts Act, 1968* or *The Division Courts Act*; or 1968, c. 103  
R.S.O. 1960, c. 110

(c) the Senior Master or a full-time master or a full-time assistant master or a full-time local master of the Supreme Court or a full-time taxing officer,

is, while he continues in any such office, in abeyance, and, upon his ceasing to hold such office, shall be restored by his giving notice in writing to such effect to the Secretary. *New.*

**32.**—(1) When a member ceases to be a Canadian citizen or other British subject, he ceases to be a member. Effect of losing Canadian citizenship

(2) Any person whose membership terminated under subsection 1 may, upon again becoming a Canadian citizen or other British subject, make application for readmission as a member and Convocation may readmit him. *New.* Re-admission

#### DISCIPLINE

**33.**—(1) No disciplinary action under section 34, 35, 37 or 38 shall be taken unless, Complaint and hearing

(a) a complaint under oath has been filed in the office of the Secretary and a copy thereof has been served on the person whose conduct is being investigated;

(b)

- (b) the person whose conduct is being investigated has been served with a notice of the time and place of the hearing; and
- (c) a committee of Convocation has heard evidence of or on behalf of the complainant and, if the person whose conduct is being investigated appears at the hearing and so requests, has heard his evidence and any evidence on his behalf and has reached the decision that he is guilty.

Power to  
take sworn  
evidence

(2) Any person presiding at a hearing may administer oaths to witnesses and require them to give evidence under oath.

Failure to  
appear

(3) If the person whose conduct is being investigated fails to appear in answer to the notice at the time and place appointed, the hearing may be conducted in his absence.

Disciplinary  
hearings  
to be held  
*in camera*

(4) Hearings shall be held *in camera*, but if the person whose conduct is being investigated requests otherwise by a notice in writing delivered to the Secretary before the day fixed for the hearing, the committee may conduct the hearing in public or otherwise as it considers proper.

Adjourn-  
ments

(5) A hearing may be adjourned at any time and from time to time.

Attendance  
of person  
being  
investigated

(6) A person whose conduct is being investigated, if present in person at the hearing, has the right to be represented by counsel, to adduce evidence and to make submissions, and any such person may be compelled to attend and give evidence in the manner provided in subsection 10, but such person shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act*.

R.S.O. 1960,  
c. 125  
R.S.C. 1952,  
c. 307

Examina-  
tion and  
cross-  
examination

(7) At a hearing, the complainant and the person whose conduct is being investigated have the right to examine the witnesses called by them respectively, and to cross-examine the witnesses opposed in interest, including the deponent of an affidavit or a statutory declaration submitted in evidence.

Hearing of  
evidence  
R.S.O. 1960,  
c. 125

(8) The oral evidence submitted at a hearing shall be taken down in writing or by any other method authorized by *The Evidence Act*.

Rules of  
evidence

(9) The rules of evidence applicable in civil proceedings are applicable at a hearing, except that an affidavit or statutory declaration of any person is admissible in evidence as *prima facie* proof of the statements made therein.

(10) The Treasurer, the chairman or a vice-chairman of a committee of Convocation, or the Secretary may, and the Secretary upon application of a person whose conduct is being investigated shall, issue a summons in the prescribed form commanding the attendance and examination of any person as a witness, and the production of any document or thing, the production of which could be compelled at the trial of an action, before the committee at the time and place mentioned in the summons and stating that failure to obey the summons will render the person liable to imprisonment on an application to the Supreme Court, but the person whose attendance is required is entitled to the like conduct money and payment for expenses and loss of time as upon attendance as a witness at a trial in the Supreme Court.

Summons  
to witness

(11) If any person,

Failure of  
witness to  
appear, etc.

- (a) on being duly summoned to appear as a witness makes default in attending; or
- (b) being in attendance as a witness refuses to take an oath legally required to be taken, or to produce any document or thing in his power or control legally required to be produced by him, or to answer any question which he is legally required to answer; or
- (c) does any other thing which would, if the committee had been a court of law having power to commit for contempt, have been contempt of that court,

the person presiding at the hearing may certify the offence of that person under his hand to the Supreme Court and the court may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any submissions that may be offered in defence, punish or take steps for the punishment of that person in the like manner as if he had been guilty of contempt of court.

(12) The decision taken after a hearing shall be in writing and shall contain or be accompanied by the reasons for the decision in which are set out the findings of fact and the conclusions of law, if any, based thereon, and a copy of the decision and the reasons therefor, together with a notice to the person whose conduct is being investigated of his right of appeal, shall be served upon him within thirty days after the date of the decision.

Decision

(13) Any document required to be served under this Act upon a person whose conduct is being investigated shall be served personally upon him or by mailing a copy thereof in a

Service of  
documents

registered

registered letter addressed to him at his last known residence or office address as shown by the records of the Society, and service shall be effected not less than ten days before the date of the hearing or the event or thing required to be done, as the case may be, and proof by affidavit of the service is sufficient. *New.*

Disbar-  
ment, etc.,  
for  
misconduct

**34.** If a member is found guilty of professional misconduct or of conduct unbecoming a barrister and solicitor after due investigation by a committee of Convocation, Convocation may by order cancel his membership in the Society by disbarring him as a barrister and striking his name off the roll of solicitors or may by order suspend his rights and privileges as a member for a period to be named or may by order reprimand him or may by order make such other disposition as it considers proper in the circumstances. R.S.O. 1960, c. 207, s. 44 (1), *amended.*

Suspension  
for  
incapacity

**35.** If a member has been found pursuant to any Act to be mentally incompetent or mentally ill, or has been found after due inquiry by a committee of Convocation incapable of practising law as a barrister and solicitor by reason of age, physical or mental illness including addiction to alcohol or drugs, or any other cause, Convocation may by order limit or suspend his rights and privileges as a member for such time and on such terms as it considers proper in the circumstances. R.S.O. 1960, c. 207, s. 45 (1), *amended.*

Suspension  
for failure  
to pay  
fees

**36.** If a member fails to pay any fee or levy payable by him to the Society within four months after the day on which payment was due, Convocation may by order suspend his rights and privileges as a member for such time and on such terms as it considers proper in the circumstances. R.S.O. 1960, c. 207, s. 45 (1), *part, amended.*

Reprimand  
in committee  
for  
misconduct

**37.** If a committee of Convocation finds that a member has been guilty of professional misconduct or conduct unbecoming a barrister and solicitor which in its opinion does not warrant disbarment, suspension or reprimand in Convocation, the committee may by order reprimand him. *New.*

Student  
members'  
misconduct

**38.** If a student member is found after due inquiry by a committee of Convocation guilty of conduct unbecoming a student member, the committee may by order reprimand him or Convocation may by order cancel his student membership or may by order suspend his rights and privileges as a student member for a period to be named or may by order reprimand him or may by order make such other disposition as it considers proper in the circumstances. R.S.O. 1960, c. 207, s. 44 (2), *amended.*

**39.**—(1) Any member who has been found guilty under section 37 or any student member who has been found guilty under section 38 and, in either case, has been ordered to be reprimanded in committee, may appeal from the order of reprimand to Convocation within fifteen days from the day upon which he is served with the order of the committee. Appeal to Convocation

(2) An appeal under this section shall be by motion, notice of which shall be served upon the Secretary, and the record shall consist of a copy of the proceedings before the committee, the evidence taken, the committee's report and all decisions, findings and orders of the committee in the matter. Procedure and record

(3) Upon the hearing of an appeal under this section, Convocation may vary the punishment imposed by the committee or may refer the matter or any part thereof back to a committee with such directions as it considers proper or may make such order as it considers proper in the circumstances. Orders

(4) No benchler who sat on the committee of Convocation when the order appealed from was made shall take any part in the hearing of the appeal in Convocation. Disqualification

(5) Subject to section 44, the decision of Convocation under this section is final and not subject to any further appeal. *New.* Decision final

**40.** A person whose membership or student membership has been cancelled or whose rights and privileges as a member or student member have been suspended or who has been reprimanded may be ordered to pay the expense, or part of the expense, incurred by the Society in the investigation or hearing of any complaint in respect of which he has been found guilty. R.S.O. 1960, c. 207, s. 44 (3), *amended.* Expenses of investigations

**41.** Where it appears that disciplinary proceedings against a member or student member were unwarranted, Convocation may order that such costs as it considers just be paid by the Society to the member or student member whose conduct was the subject of the proceedings. *New.* Costs where disciplinary proceedings unwarranted

**42.**—(1) If the Treasurer or the Secretary or the chairman or the vice-chairman of any committee of Convocation dealing with disciplinary matters has reasonable cause to believe that a member has been or may be guilty of misconduct in connection with any property in his possession or under his control, a judge of the Supreme Court may, upon an *ex parte* application by the Society, order that the property described in the order shall not be paid out or dealt with by the person or persons named in the order without the leave of a judge of the Supreme Court. 1960-61, c. 44, s. 1, *amended.* Stop-orders on members' bank accounts, etc.

Discharge,  
etc., of  
stop-orders

(2) Any person may apply to a judge of the Supreme Court for an order varying or discharging any order made under subsection 1. *New.*

Appoint-  
ment of  
trustees

**43.**—(1) Where a member or former member dies, disappears or leaves Ontario or a person's membership in the Society is cancelled or his rights and privileges as a member are suspended and, in any such event, his practice is neglected to the prejudice of any person or no provision has been made for the protection of his clients' interests, a judge of the Supreme Court may, upon an *ex parte* application by the Society, by order appoint a person as trustee, with or without bond, to take possession of any property in the possession of or under the control of such member or former member for the purpose of preserving, carrying on or winding up the practice of such member or former member.

Idem

(2) A person appointed under subsection 1 shall, in respect of any trust property of such member or former member, be the trustee thereof, and he shall in respect thereof take the place of the personal representative, committee or other representative, if any, of such member or former member.

Discharge,  
etc., of  
order

(3) Any person may apply to a judge of the Supreme Court for an order varying or discharging any order made under subsection 1.

Fees, etc.,  
of trustee

(4) The judge may in any order under this section make provision for the remuneration, disbursements and indemnification of the trustee out of such moneys or otherwise as the judge may specify. *New.*

Appeal to  
Court of  
Appeal

**44.**—(1) Any person dissatisfied with a decision of Convocation made under section 30, 32 or 46, or any person against whom an order has been made under section 34, 35 or 36, or any person against whom an order, other than an order of reprimand in committee, has been made under section 38, or any person whose punishment has been ordered to be increased under subsection 3 of section 39 may appeal from the decision or order to the Court of Appeal within fifteen days from the day upon which he is served with the decision or order.

Certified  
copies of  
papers

(2) Upon the request of any person desiring to appeal and upon payment of the cost thereof, the Secretary shall furnish such person with a certified copy of all proceedings, evidence, reports, orders and papers received as evidence in Convocation and any committee thereof in dealing with and disposing of the matter complained of.

(3) If the appellant fails to pay the cost of the certified copy of the evidence as may be reasonably required for the purposes of the appeal within fifteen days after written demand from the Secretary, the appeal shall be deemed to be abandoned. Failure to pay costs

(4) An appeal under this section shall be by motion, notice of which shall be served upon the Secretary, and the record shall consist of a copy, certified by the Secretary, of the proceedings before Convocation or any committee thereof, the evidence taken, the report of Convocation or any committee thereof and all decisions, findings and orders of Convocation or any committee thereof in the matter. Procedure and record

(5) Except as otherwise provided, appeals under this section shall be in accordance with the practice in appeals from the decision or order of a judge of the Supreme Court. Practice

(6) Upon the hearing of an appeal under this section the Court of Appeal may make such order as the court considers proper or may refer the matter or any part thereof back to Convocation with such directions as the court considers proper. Orders

(7) The Court of Appeal may make such order as to the costs of the appeal as the court considers proper. *New.* Costs

**45.**—(1) When a person's membership or student membership is cancelled, all his rights and privileges as a member or student member, as the case may be, cease, or, when a person's membership or student membership is suspended, the member or student member shall, during the period of suspension, possess no rights or privileges as a member or student member. R.S.O. 1960, c. 207, s. 46, *amended.* Effect of cancellation and suspension

(2) Where an appeal under section 44 is pending, the decision or order appealed against shall not thereby be stayed, but an application may be made to a judge of the Court of Appeal for a stay of the decision or order pending the disposition of the appeal, and the judge may dispose of the application as he considers proper and in so doing he may impose such terms and conditions as he considers appropriate. *New.* Where appeal pending

**46.** Where a person's membership or student membership is cancelled, he may apply to be readmitted, and Convocation, after due inquiry by a committee thereof, may readmit him as a member or student member, as the case may be. *New.* Re-admission

**47.** Where the rights and privileges of a member or student member are suspended for a definite or indefinite period, he may apply at any time to have his rights and Termination of suspension

privileges restored, and Convocation, after due inquiry by a committee thereof, may restore his rights and privileges as a member or student member, as the case may be. R.S.O. 1960, c. 207, s. 45 (2, 3), *amended*.

Terms and  
conditions

**48.** Upon the readmission of a person as a member or student member or upon the termination of the suspension of the rights and privileges of a member or student member or upon the reprimand of a member or student member, Convocation or a committee thereof may impose upon him such terms and conditions as it considers proper. *New*.

Notice to  
Registrar  
of S.C.O.

**49.** Notice of admission to membership and of any cancellation, suspension, resignation, readmission or other change in a member's status in the Society shall be given forthwith by the Secretary to the Registrar of the Supreme Court who shall keep a record thereof. R.S.O. 1960, c. 207, s. 45, *amended*.

#### PROHIBITIONS AND OFFENCES

Prohibition  
as to  
practice, etc.

**50.**—(1) Except where otherwise provided by law, no person, other than a member whose rights and privileges are not suspended, shall act as a barrister or solicitor or hold himself out as or represent himself to be a barrister or solicitor or practise as a barrister or solicitor. R.S.O. 1960, c. 30, s. 5 (1); R.S.O. 1960, c. 378, s. 6 (1), *amended*.

Offence

(2) Every person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. R.S.O. 1960, c. 30, s. 5 (2); R.S.O. 1960, c. 378, s. 6 (2), *amended*.

Proceedings  
to enjoin  
person  
convicted  
from  
practising  
law

(3) Where a conviction has been made under subsection 2, the Society may apply to a judge of the Supreme Court by originating motion for an order enjoining the person convicted from practising as a barrister or solicitor, and the judge may make the order and it may be enforced in the same manner as any other order or judgment of the Supreme Court. R.S.O. 1960, c. 30, s. 5 (5); R.S.O. 1960, c. 378, s. 6 (5), *part, amended*.

Discharge,  
etc., of  
order

(4) Any person may apply to a judge of the Supreme Court for an order varying or discharging any order made under subsection 3. R.S.O. 1960, c. 30, s. 5 (6), *part*; R.S.O. 1960, c. 378, s. 6 (5), *part, amended*.

#### COMPENSATION FUND

Compensa-  
tion Fund

**51.**—(1) The Society shall continue to maintain the fund known as "the Compensation Fund" and shall continue to hold it in trust for the purposes of this section. R.S.O. 1960, c. 207, s. 53 (1), *part, amended*.

(2) The Compensation Fund shall be made up of,

Composition  
of Fund

(a) all moneys paid by members of the Society under subsection 3;

(b) all moneys earned from the investment of moneys in the Fund;

(c) all moneys recovered under subsection 7; and

(d) any moneys contributed by any person. R.S.O. 1960, c. 207, s. 53 (2), *amended*.

(3) Every member, other than those of a class exempted by the rules, shall pay to the Society for the Compensation Fund <sup>Compensation Fund levy</sup> such sum as is prescribed from time to time by the rules.

(4) The Society may insure with any insurer licensed to <sup>Insurance</sup> carry on business in Ontario for such purposes and on such terms as Convocation considers expedient in relation to the Compensation Fund, and, in such event, the moneys in the Fund may be used for the payment of premiums. R.S.O. 1960, c. 207, s. 53 (3, 4), *amended*.

(5) Convocation in its absolute discretion may make grants <sup>Grants</sup> from the Compensation Fund in order to relieve or mitigate loss sustained by any person in consequence of dishonesty on the part of any member in connection with such member's law practice or in connection with any trust of which he was or is a trustee, notwithstanding that after the commission of the act of dishonesty he may have died or ceased to administer his affairs or to be a member. R.S.O. 1960, c. 207, s. 53 (1), *part, amended*.

(6) No grant shall be made out of the Compensation Fund <sup>Conditions of grants</sup> unless notice in writing of the loss is received by the Secretary within six months after the loss came to the knowledge of the person suffering the loss or within such further time, not exceeding eighteen months, as in any case may be allowed by Convocation. R.S.O. 1960, c. 207, s. 53 (5), *amended*.

(7) If a grant is made under this section, the Society is <sup>Subrogation</sup> subrogated to the amount of the grant to any rights or remedies to which the person receiving the grant was entitled on account of the loss in respect of which the grant was made against the dishonest member or any other person, or, in the event of the death or insolvency or other disability of such member or other person, against his personal representative or other person administering his estate. R.S.O. 1960, c. 207, s. 53 (6), *amended*.

Grantees'  
rights con-  
ditionally  
limited

(8) A person to whom a grant is made under this section, or, in the event of his death or insolvency or other disability, his personal representative or other person administering his estate, has no right to receive anything from the dishonest member or his estate in respect of the loss in respect of which the grant was made until the Society has been reimbursed the full amount of the grant. R.S.O. 1960, c. 207, s. 53 (7).

Reimburse-  
ment from  
bankrupt's  
estate

(9) Where a grant has been made under this section and the dishonest member has been declared a bankrupt, the Society is entitled to prove against the bankrupt's estate for the full amount of the claim of the person to whom the grant was made and to receive all dividends on such amount until the Society has been reimbursed the full amount of the grant. *New.*

Delegation  
of powers  
to committee  
or referee  
or both

(10) Convocation may delegate any of the powers conferred upon it by this section to a committee of Convocation and, whether or not Convocation has made any such delegation, it may appoint any member as a referee and delegate to him any of the powers conferred upon it by this section that are not delegated to a committee. 1966, c. 79, s. 1, *part, amended.*

Reports

(11) Where Convocation has delegated any of its powers under this section to a committee or to a referee, the committee or referee, as the case may be, shall report as required to Convocation, but where there is a delegation to both a committee and a referee, the referee shall report as required to the committee. 1966, c. 79, s. 1, *part, amended.*

Costs of  
administra-  
tion

(12) There may be paid out of the Compensation Fund the costs of its administration, including the costs of investigations and hearings and all other costs, salaries and expenses necessarily incidental to the administration of the Fund. 1964, c. 54, s. 3, *amended.*

#### LEGAL EDUCATION; DEGREES

Bar Admis-  
sion Course

**52.**—(1) The Society may maintain the Bar Admission Course and programs of continuing legal education.

Law  
degrees

(2) The Society may grant degrees in law. *New.*

#### INDEMNITY FOR PROFESSIONAL LIABILITY

Indemnity  
for  
professional  
liability

**53.** The Society may make arrangements for its members respecting indemnity for professional liability and respecting the payment and remission of premiums in connection therewith and prescribing levies to be paid by members or any class thereof and exempting members or any class thereof from all or any part of any such levy. *New.*

## RULES

**54.**—(1) Subject to section 55, Convocation may make <sup>Rules</sup> rules relating to the affairs of the Society and, without limiting the generality of the foregoing,

1. providing procedures for the making, amendment and revocation of the rules;
2. prescribing the seal and the coat of arms of the Society;
3. providing for the execution of documents by the Society;
4. respecting the borrowing of money and the giving of security therefor;
5. fixing the financial year of the Society and providing for the audit of the accounts and transactions of the Society;
6. providing for the time and manner of and the methods and procedures for the election of benchers;
7. providing procedures for the election of the Treasurer, the filling of a vacancy in the office of Treasurer, the appointment of an acting Treasurer to act in the Treasurer's absence or inability to act, and prescribing the Treasurer's duties;
8. providing for the appointment of and prescribing the duties of the Secretary, one or more deputy secretaries and assistant secretaries and such other officers as are considered appropriate;
9. respecting Convocation;
10. providing for the establishment, composition, jurisdiction and operation of standing and other committees and delegating to any committee such of its powers and duties as may be considered expedient;
11. governing honorary benchers, *ex officio* benchers and honorary members and prescribing their rights and privileges;
12. governing members, life members and student members, and prescribing their rights and privileges;
- 13.

13. prescribing fees and levies for members and student members or any class of either of them, and providing for the payment and remission thereof and exempting any class of either of them from all or any part of such fees or levies;
14. respecting the Compensation Fund and prescribing the amount of the levy to be paid to the Society for the Fund and exempting any class of members from all or any part of such levy;
15. prescribing oaths for members and student members;
16. providing for the payment to the Society by any member of the cost of any investigation or audit of his books, records, accounts and transactions;
17. providing for and governing meetings of members or representatives of members;
18. prescribing procedures for the call to the bar of barristers and the admission and enrolment of solicitors;
19. defining and governing the employment of student members while under articles;
20. providing and governing bursaries, scholarships, medals and prizes;
21. providing for and governing extension courses, continuing legal education, and legal research;
22. governing degrees in law;
23. providing for and governing libraries;
24. providing for the occasional appearance as counsel in the courts of Ontario and before provincial judges, with the consent of the Treasurer and of the court or judge, of members of the legal profession from outside Ontario;
25. providing for the establishment, maintenance and administration of a benevolent fund for members and the dependants of deceased members;
26. prescribing forms and providing for their use, except the form of summons referred to in subsection 10 of section 33. R.S.O. 1960, c. 207, ss. 24, 35, 40, 41, 42 (1), 43 (*part*), 50, 51, 53 (9), 54 (2, 3), 55, 56 (1), *amended*.

(2) The rules made under subsection 1 shall be interpreted as if they formed part of this Act. Interpretation of rules

(3) A copy of the rules made under subsection 1, as amended from time to time, Availability of copies of rules

(a) shall be filed in the office of the Minister of Justice and Attorney General; and

(b) shall be available for public inspection in the office of the Secretary. *New.*

#### REGULATIONS

**55.** Subject to the approval of the Lieutenant Governor in Council, Convocation may make regulations respecting any matter that is outside the scope of the rule-making powers specified in section 54 and, without limiting the generality of the foregoing, Regulations

1. respecting any matter ancillary to the provisions of this Act with regard to the admission, conduct and discipline of members and student members and the suspension and restoration of their rights and privileges, the cancellation of memberships and student memberships, the resignation of members, and the readmission of former members and student members;
2. requiring and prescribing the books, records and accounts to be kept by members and providing for the exemption from such requirements of any class of members;
3. requiring and providing for the examination or audit of members' books, records, accounts and transactions and the filing with the Society of reports with respect thereto;
4. authorizing and providing for the preparation, publication and distribution of a code of professional conduct and ethics.
5. respecting the reporting and publication of the decisions of the courts;
6. defining and governing the employment of barristers and solicitors clerks;
7. respecting legal education, including the Bar Admission Course;

8. providing for the establishment, operation and dissolution of county and district law associations and respecting grants and loans to such associations;
9. prescribing the form of the summons referred to in subsection 10 of section 33. R.S.O. 1960, c. 30, s. 2; R.S.O. 1960, c. 207, s. 43, *part*; R.S.O. 1960, c. 378, s. 3, *amended*.

## MISCELLANEOUS

R.S.O. 1960,  
c. 207;  
1960-61,  
c. 44;  
1964, c. 54;  
1966, c. 79,  
repealed

**56.** *The Law Society Act, The Law Society Amendment Act, 1960-61, The Law Society Amendment Act, 1964 and The Law Society Amendment Act, 1966* are repealed.

Commence-  
ment

**57.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**58.** This Act may be cited as *The Law Society Act, 1970*.

## CHAPTER 20

## An Act to amend The Solicitors Act

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Sections 1 to 6 of *The Solicitors Act* are repealed. R.S.O. 1960,  
c. 378,  
ss. 1-6,  
repealed
- 2.** Section 7 of *The Solicitors Act* is amended by striking out "hereinafter provided" in the fourth line and inserting in lieu thereof "a solicitor". R.S.O. 1960,  
c. 378, s. 7,  
amended
- 3.** Sections 8 to 30 of *The Solicitors Act* are repealed. R.S.O. 1960,  
c. 378,  
ss. 8-30,  
repealed
- 4.** Section 70 of *The Solicitors Act* is repealed. R.S.O. 1960,  
c. 378, s. 70,  
repealed
- 5.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment
- 6.** This Act may be cited as *The Solicitors Amendment Act, 1970*. Short title



## CHAPTER 21

## An Act to amend The Barristers Act

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 1, 2, 3 and 5 of *The Barristers Act* are repealed. R.S.O. 1960,  
c. 30, ss. 1, 2,  
3 and 5  
repealed
2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment
3. This Act may be cited as *The Barristers Amendment Act, 1970*. Short title



## CHAPTER 22

## An Act to amend The Notaries Act, 1962-63

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 2 of *The Notaries Act*, 1962-63, c. 91, s. 2, subs. 1, amended 1962-63 is amended by striking out “or” in the first line and inserting in lieu thereof “and”.

(2) Subsection 2 of the said section 2 is amended by striking out “or” in the first line and inserting in lieu thereof “and”. 1962-63, c. 91, s. 2, subs. 2, amended

**2.**—(1) Subsection 1 of section 5 of *The Notaries Act*, 1962-63, c. 91, s. 5, subs. 1, amended 1962-63 is amended by striking out “or” in the second line and inserting in lieu thereof “and”.

(2) Subsection 2 of the said section 5 is amended by striking out “or” where it occurs the first time in the second line and inserting in lieu thereof “and”. 1962-63, c. 91, s. 5, subs. 2, amended

**3.** Subsection 1 of section 7 of *The Notaries Act*, 1962-63 is repealed and the following substituted therefor: 1962-63, c. 91, s. 7, subs. 1, re-enacted

(1) Where a notary public who is a member of The Law Society of Upper Canada ceases for any reason to be a member of the Society or his membership in the Society is in abeyance, his appointment as a notary public is *ipso facto* suspended until such time as his membership in the Society is restored or is no longer in abeyance. Suspension

**4.** This Act may be cited as *The Notaries Amendment Act*, 1970. Short title



## CHAPTER 23

**An Act to establish  
The Ontario Educational Communications  
Authority**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

**Interpre-  
tation**

- (a) "Authority" means The Ontario Educational Communications Authority;
- (b) "Board" means the board of directors of the Authority;
- (c) "Minister" means the Minister of Education.

**2.—(1)** There is hereby established a corporation without share capital under the name "The Ontario Educational Communications Authority", consisting of thirteen members, one of whom shall be the Chairman, and of the remaining twelve members, not fewer than three and not more than four shall be members of the public service of Ontario.

**Authority  
established**

**(2)** The members of the Authority, including the Chairman, shall be appointed by the Lieutenant Governor in Council to hold office for not more than three years but may be reappointed by the Lieutenant Governor in Council, and at least three members shall retire each year.

**Appointment  
of members**

**(3)** The members for the time being of the Authority form and are its board of directors.

**Board of  
directors**

**(4)** The Chairman of the Authority shall be the Chairman of the Board, and the Lieutenant Governor in Council may from time to time designate one of the other members as Vice-Chairman of the Board and prescribe his duties.

**Chairman  
and Vice-  
Chairman of  
the Board**

## Fees and expenses

(5) A director, other than the Chairman, may be paid such fees for attendance at meetings of the Authority as may be fixed by the Lieutenant Governor in Council, and all directors are entitled to be paid their actual travelling and living expenses necessarily incurred on the business of the Authority.

## Quorum

(6) Seven directors constitute a quorum for meetings of the Board.

## Meetings

(7) Meetings of the Board or of the members of the Authority shall be held at the call of the Chairman, or in the absence or incapacity of the Chairman or if the office of Chairman is vacant, in such other manner as may be prescribed by the by-laws of the Authority, but in no case shall more than four months elapse between meetings of the Board.

## Head Office

(8) The head office of the Authority shall be at The Municipality of Metropolitan Toronto, or such other place in Ontario as the Lieutenant Governor in Council designates.

## Fiscal year

(9) The fiscal year of the Authority begins on the 1st day of April and ends on the 31st day of March in the following year.

## Objects of Authority

**3.** The objects of the Authority are,

- (a) to initiate, acquire, produce, distribute, exhibit or otherwise deal in programs and materials in the educational broadcasting and communications fields;
- (b) to engage in research in those fields of activity consistent with the objects of the Authority under clause *a*; and
- (c) to discharge such other duties relating to educational broadcasting and communications as the Board considers to be incidental or conducive to the attainment of the objects mentioned in clauses *a* and *b*.

## Acquisition of land

**4.** Subject to the approval of the Lieutenant Governor in Council, the Authority may,

- (a) acquire by purchase, lease or otherwise; and
- (b) sell or otherwise dispose of,

any land or any interest in land.

## By-laws, making

**5.**—(1) Subject to subsections 2 and 3, the Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Authority.

(2) All by-laws of the Authority shall be filed with the Minister provided, however, that no by-law shall take effect until the expiration of two weeks from the date of filing.

(3) The Lieutenant Governor in Council may amend or revoke any by-law provided that any such amendment or revocation shall not prejudice the rights of any person dealing with the Authority.

**6.—**(1) The Chairman is the chief executive officer of the Authority and shall be paid such salary as the Lieutenant Governor in Council determines.

(2) The Board may employ such persons and retain such technical and professional consultants as it considers necessary for the conduct of the affairs of the Authority at such remuneration and upon such terms as the Board approves.

(3) The officers and employees of the Authority are not Crown employees, and the provisions of *The Labour Relations Act* apply to them and to the Authority.

**7.—**(1) The Authority has the following powers incidental and ancillary to its objects,

- (a) to enter into operating agreements with the appropriate agency or agencies of the Government of Canada and with broadcasting stations or networks for the broadcasting of educational programs;
- (b) to enter into contracts with any person in connection with the production, presentation or distribution of the programs and materials of the Authority;
- (c) to acquire, publish, distribute and preserve, whether for a consideration or otherwise, such audio-visual materials, papers, periodicals and other literary matter as relate to any of the objects of the Authority;
- (d) to make arrangements or enter into agreements with any person for the use of any rights, privileges or concessions that the Authority may consider necessary for the purposes of carrying out its objects.

(2) Except as provided in subsection 3, subsection 1 of section 22 of *The Corporations Act* applies to the Authority.

(3) Clauses *a, b, d, e, g, h, j, k, m, p, q, r, t, u* and *v* of subsection 1 of section 22, and sections 287 and 288 of *The Corporations Act* do not apply without the approval of the Lieutenant Governor in Council.

Employee  
benefits

8. The Authority may provide compensation for services performed by way of remuneration and employee benefits which the Authority may from time to time consider appropriate, to or for the benefit of any of the persons mentioned in section 6, or any class or classes of them, as well as any other persons who may be entitled thereunder, out of a fund or funds comprising contributions made by such persons, or any class or classes thereof, or by the Authority, or both or otherwise.

Advisory  
committees

9. The Authority shall appoint such regional councils and such advisory committees as it considers necessary to advise it in developing the policy and operations of the Authority, and may pay the members thereof such fees for attending meetings as may be fixed by the Treasury Board of Ontario and such members are entitled to be paid their reasonable travelling and living expenses necessarily incurred on the business of a committee.

Bank  
accounts

10.—(1) The Authority shall maintain in its own name one or more accounts in The Province of Ontario Savings Office or in one or more chartered banks or in one or more trust companies registered under *The Loan and Trust Corporations Act*.

R.S.O. 1960,  
c. 222

Deposits in  
trust  
company

(2) The total deposits of the Authority in any trust company shall not exceed at any one time 3 per cent of the paid-in capital plus surplus and reserves of the trust company.

Moneys of  
Authority  
to be de-  
posited in  
bank  
accounts

(3) Subject to subsection 3 of section 15, all moneys received by the Authority through the conduct of its operations or otherwise shall be deposited to the credit of accounts established under subsection 1, and shall be administered by the Authority exclusively in carrying out its objects.

Audit

11. The accounts and financial transactions of the Authority shall be audited annually by the Provincial Auditor or such other auditor or auditors as the Lieutenant Governor in Council may appoint, and a report of the audit shall be made to the Authority and to the Minister.

Annual  
report

12.—(1) The Board shall make an annual report to the Minister upon the affairs of the Authority, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Further  
reports

(2) The Authority shall make such further reports to the Minister as the Minister may from time to time require.

Issue of  
securities

13.—(1) With the approval of the Lieutenant Governor in Council, the Authority may borrow money for purchasing or otherwise acquiring real or personal property, for making

improvements

improvements, or for any of the objects of the Authority, and may issue bonds, debentures, notes or other securities to provide for the repayment of any moneys so borrowed, and such securities may be payable at such times and in such manner and at such place or places in Canada or elsewhere, and may bear such interest, as the Authority may consider proper.

(2) The Lieutenant Governor in Council may authorize the Treasurer of Ontario and Minister of Economics for and on behalf of Ontario to guarantee the payment of any securities issued by the Authority for any of the purposes mentioned in subsection 1. <sup>Guaranteeing securities</sup>

(3) The form of guaranty and the manner of its execution shall be determined by the Lieutenant Governor in Council. <sup>Form of guaranty</sup>

**14.**—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario and Minister of Economics, <sup>Purchase of securities by Province</sup>

(a) to purchase any securities of the Authority; and

(b) to make advances to the Authority in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council may consider expedient.

(2) The moneys required for the purposes of this section shall be paid out of the Consolidated Revenue Fund. <sup>Idem</sup>

**15.**—(1) The cost of the establishment, maintenance and conduct of the Authority shall be payable until the 31st day of March, 1971, out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature. <sup>Cost</sup>

(2) All moneys received by the Authority shall be applied in the discharge of its duties and obligations. <sup>Application of revenue</sup>

(3) Any surplus moneys shall, on the order of the Lieutenant Governor in Council, be paid into and form part of the Consolidated Revenue Fund. <sup>Surplus money</sup>

**16.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commencement</sup>

**17.** This Act may be cited as *The Ontario Educational Communications Authority Act, 1970.* <sup>Short title</sup>



CHAPTER 24

An Act respecting The South Boundary of the Geographic Township of Blackwell and the North Boundary of the Geographic Township of Laurie

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The south boundary of the geographic Township of Blackwell in the Territorial District of Thunder Bay is a line described as follows: 

South boundary of the geographic Township of Blackwell

Beginning at the VI Mile Post on the west boundary of the geographic Township of Laurie in the Territorial District of Thunder Bay, as surveyed by E. R. Bingham, Ontario Land Surveyor, in the year 1919;

Thence east astronomically to the intersection with the westerly limit of Lot 80 in Concession A on the Dawson Road;

Thence northerly along the westerly limit of that lot and the westerly limit of Lot 80 in Concession B to the northwesterly corner of the last-mentioned lot;

Thence easterly along the northerly limit of that lot and part of the northerly limit of Lot 79 in Concession B on the Dawson Road to the west boundary of the geographic township of Goldie, as surveyed by Phillips and Benner, Ontario Land Surveyors, in the year 1924.

2. The north boundary of the geographic Township of Laurie in the Territorial District of Thunder Bay is a line described as follows: 

North boundary of the geographic Township of Laurie

Beginning

Beginning at the VI Mile Post on the west boundary of the geographic Township of Laurie in the Territorial District of Thunder Bay, as surveyed by E. R. Bingham, Ontario Land Surveyor, in the year 1919;

Thence east astronomically to the intersection with the westerly limit of Lot 80 in Concession A on the Dawson Road;

Thence southerly along the westerly limit of that lot to the southwesterly corner thereof;

Thence easterly along the southerly limit of that lot and part of the southerly limit of Lot 79 in Concession A on the Dawson Road to the east boundary of the geographic township of Laurie, as surveyed by E. R. Bingham, Ontario Land Surveyor, in the year 1919.

Descriptions  
in letters  
patent  
amended

**3.** The descriptions in the letters patent enumerated in the Schedule hereto are amended by striking out the references to the geographic Township of Laurie and inserting in lieu thereof references to the geographic Township of Blackwell and the master of titles is authorized to make corresponding amendments in the parcel registers in the office of land titles.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Blackwell-Laurie Boundary Act, 1970*.

## SCHEDULE

<i>Date of Letters Patent</i>	<i>Name of Patentee</i>	<i>Description</i>
26 September, 1921	Kalle Lampainen	Summer Resort Location P.P. 99
27 September, 1921	Salomon Taipalus	Summer Resort Location P.P. 98
27 September, 1921	Oscar Jurvanen	Summer Resort Location P.P. 100
18 October, 1921	Andrew Roos	Location P.P. 102
14 December, 1921	H. Jalmar Lampaine	Summer Resort Location P.P. 103
11 January, 1924	Matti Saari	Location P.P. 101
12 May, 1927	Arthur Franche	Summer Resort Location R.K. 704
27 July, 1931	Mary Lampainen	Summer Resort Location P.P. 627
10 September, 1931	Jalmar Lampainen	Mining Claim T.B. 4829
10 September, 1931	Jalmar Lampainen	Mining Claim T.B. 5139
9 April, 1940	Frank Kaspar John Perala Joomas Perala	Mining Claim T.B. 17044
14 May, 1945	Oscar Paajanen	Mining Claim T.B. 26120
14 May, 1945	Oscar Paajanen	Mining Claim T.B. 26121



## CHAPTER 25

**The Business Corporations Act, 1970**

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1) In this Act,**

Interpre-  
tation

1. “affiliate” means an affiliated body corporate within the meaning of subsection 4;
2. “articles of incorporation” or “articles” means the original or restated articles of incorporation, articles of amalgamation, letters patent, supplementary letters patent, a special Act and any other instrument by which a corporation is incorporated, and includes any amendments thereto;
3. “associate”, where used to indicate a relationship with any person, means,
  - i. any body corporate of which such person beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the body corporate for the time being outstanding,
  - ii. any partner of that person acting by or for the partnership of which they are both partners,
  - iii. any trust or estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar capacity,
  - iv. any spouse, son or daughter of that person, or
  - v. any relative of such person or of his spouse, other than a relative referred to in subparagraph iv, who has the same home as such person;

4. "authorized capital" means the authorized capital as determined under section 24;
5. "body corporate" means any body corporate with or without share capital and whether or not it is a corporation to which this Act applies;
6. "certificate of incorporation" includes letters patent, a special Act or any other instrument by which a corporation is incorporated;
7. "certified copy" means,
  - i. in relation to a document of a corporation, a copy of the document certified to be a true copy under the seal of the corporation and signed by an officer thereof,
  - ii. in relation to a document issued by a court, a copy of the document certified to be a true copy under the seal of the court and signed by the registrar or clerk thereof,
  - iii. in relation to a document in the custody of the Department, a copy of the document certified to be a true copy under the seal of the Minister and signed by the Minister or by such officer of the Department as is designated by the regulations;
8. "Commission" means the Ontario Securities Commission;
9. "corporation" means a body corporate with share capital to which this Act applies;
10. "court" means the Supreme Court of Ontario presided over by one of those judges of the High Court who are designated by the Chief Justice of the High Court for the purpose of hearing applications under this Act;
11. "debt obligation" means a bond, debenture, note or other similar obligation of a body corporate, whether secured or unsecured;
12. "Department" means the Department of the Minister;
13. "equity share" means any share of any class of shares of a body corporate carrying voting rights under all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing;

14. "financial statement" means a financial statement referred to in section 172;
15. "insider" or "insider of a corporation" means,
  - i. any director or senior officer of a corporation that is offering its securities to the public,
  - ii. any person who beneficially owns, directly or indirectly, equity shares of such a corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding, but, in computing the percentage of voting rights attached to equity shares owned by an underwriter as defined in *The Securities Act, 1966*, there shall be excluded any equity shares that have been acquired by him as underwriter in the course of distribution to the public of such shares, but such exclusion ceases to have effect on completion or cessation of the distribution to the public by him, or
  - iii. any person who exercises control or direction over the equity shares of such a corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding;
16. "interim financial statement" means a financial statement referred to in section 185;
17. "issued capital" means the issued capital as determined under section 32;
18. "Minister" means the Minister of Financial and Commercial Affairs or such other member of the Executive Council to whom the administration of this Act may be assigned;
19. "officer" means the chairman or any vice-chairman of the board of directors, the president, any vice-president, the secretary, any assistant secretary, the treasurer, any assistant treasurer, the general manager, or any other person designated an officer by by-law or by resolution of the directors;
20. "personal representative", where used with reference to holding shares in that capacity, means an executor, administrator, guardian, tutor, trustee, receiver or liquidator or the committee of or curator to a mentally incompetent person;
21. "prescribed" means prescribed by the regulations;

- 22. "regulations" means the regulations made under this Act;
- 23. "related person", where used to indicate a relationship with any person, means,
  - i. any spouse, son or daughter of that person,
  - ii. any relative of such person or of his spouse, other than a relative referred to in subparagraph i, who has the same home as such person, or
  - iii. any body corporate of which such person and any of the persons referred to in subparagraph i or ii or the partner or employer of such person, either alone or in combination, beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of the body corporate for the time being outstanding;
- 24. "security" means any share of any class of shares or any debt obligation of a body corporate;
- 25. "senior officer" means,
  - i. the chairman or any vice-chairman of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other individual who performs functions for the corporation similar to those normally performed by an individual occupying any such office, and
  - ii. each of the five highest paid employees of a corporation, including any individual referred to in subparagraph i;
- 26. "special by-law" means a by-law that is not effective until it is,
  - i. passed by the directors of a corporation, and
  - ii. confirmed, with or without variation, by at least two-thirds of the votes cast at a general meeting of the shareholders of the corporation duly called for that purpose, or such greater proportion of the votes cast as the articles provide, or, in lieu of such confirmation, by the consent in writing of all the shareholders entitled to vote at such meeting;
- 27.

27. "special resolution" means a resolution that is not effective until it is,

- i. passed by the directors of a corporation, and
- ii. confirmed, with or without variation, by at least two-thirds of the votes cast at a general meeting of the shareholders of the corporation duly called for that purpose, or such greater proportion of the votes cast as the articles provide, or, in lieu of such confirmation, by the consent in writing of all the shareholders entitled to vote at such meeting;

28. "warrant" means any document issued by a body corporate entitling the holder to purchase a security of the body corporate on specified terms. R.S.O. 1960, c. 71, s. 1; 1966, c. 28, ss. 1, 3, *part*; 1968-69, c. 16, s. 1 (1), *amended*.

(2) For the purposes of this Act, a body corporate shall be deemed to be a subsidiary of another body corporate if, but only if, Interpretation:  
subsidiary corporation

(a) it is controlled by,

- (i) that other, or
- (ii) that other and one or more bodies corporate each of which is controlled by that other, or
- (iii) two or more bodies corporate each of which is controlled by that other; or

(b) it is a subsidiary of a body corporate that is that other's subsidiary.

(3) For the purposes of this Act, a body corporate shall be deemed to be another's holding body corporate if, but only if, that other is its subsidiary. Holding corporation

(4) For the purposes of this Act, one body corporate shall be deemed to be affiliated with another body corporate if, but only if, one of them is the subsidiary of the other or both are subsidiaries of the same body corporate or each of them is controlled by the same person. R.S.O. 1960, c. 71, s. 90 (1-3), *amended*. Affiliated corporation

(5) For the purposes of this Act, a body corporate shall be deemed to be controlled by another person or by two or more bodies corporate if, but only if, Control

(a) shares of the first-mentioned body corporate carrying more than 50 per cent of the votes for the election

of directors are held, other than by way of security only, by or for the benefit of such other person or by or for the benefit of such other bodies corporate; and

- (b) the votes carried by such shares are sufficient, if exercised, to elect a majority of the board of directors of the first-mentioned body corporate. R.S.O. 1960, c. 71, s. 90 (4); 1966, c. 28, s. 12, *amended*.

Insider

(6) For the purposes of this Act,

- (a) every director or senior officer of a body corporate that is itself an insider of another body corporate shall be deemed to be an insider of such other body corporate;
- (b) an individual shall be deemed to own beneficially securities beneficially owned by a body corporate controlled by him or by an affiliate of such body corporate;
- (c) a body corporate shall be deemed to own beneficially securities beneficially owned by its affiliates; and
- (d) the acquisition or disposition by an insider of a put, call or other transferable option in respect of a security shall be deemed a change in the beneficial ownership of the security to which such transferable option relates. 1966, c. 28, s. 3, *part, amended*.

Insolvency

(7) For the purposes of this Act, a corporation is insolvent if its liabilities exceed the realizable value of its assets or if the corporation is unable to pay its debts as they become due.

Number of shareholders

(8) In determining the number of shareholders of a corporation, for the purposes of this Act, two or more persons holding the same share or shares jointly shall be counted as one shareholder.

Offering securities to public

(9) A body corporate shall be deemed to be offering its securities to the public where,

- (a) in respect of any of the securities of which a prospectus or statement of material facts has been filed with and accepted by the Commission under *The Securities Act, 1966*, or any predecessor thereof, so long as any of such securities are outstanding; or
- (b) any of the shares of which are listed and posted for trading on any stock exchange in Ontario recognized by the Commission,

1966, c. 142

except that where, upon the application of a corporation that has fewer than fifteen shareholders, the Commission is satisfied, in its discretion, that to do so would not be prejudicial to the public interest, the Commission may order, subject to such terms and conditions as the Commission may impose, that the Corporation shall be deemed to have ceased to be offering its securities to the public. *New.*

**2.—(1)** This Act, except where it is otherwise expressly provided, applies,

- (a) to every corporation incorporated by or under a general or special Act of the Parliament of the former Province of Upper Canada;
- (b) to every corporation incorporated by or under a general or special Act of the Parliament of the former Province of Canada that has its head office and carries on business in Ontario and that was incorporated with objects to which the authority of the Legislature extends; and
- (c) to every corporation incorporated by or under a general or special Act of the Legislature,

but this Act does not apply to a corporation incorporated for the construction and working of a railway, an incline railway or a street railway, or to a corporation within the meaning of *The Loan and Trust Corporations Act* except as provided by that Act. R.S.O. 1960, c. 71, s. 17. R.S.O. 1960,  
c. 222

(2) This Act does not apply to a corporation that, Idem

- (a) is a company within the meaning of *The Corporations Act* and has objects in whole or in part of a social nature; R.S.O. 1960,  
c. 71
- (b) is a corporation or company within the meaning of Part V of *The Corporations Act*;
- (c) is a corporation that is an insurer within the meaning of subsection 1 of section 143 of *The Corporations Act*;
- (d) is a corporation to which *The Credit Unions Act* applies. *New.* R.S.O. 1960,  
c. 79

#### INCORPORATION

**3.—(1)** A corporation may be incorporated under this Act for any lawful objects to which the authority of the Legislature extends, except those of a corporation the incorporation of which is provided for in any other Act. R.S.O. 1960, c. 71, s. 3 (1), *amended.* Incorporation

Idem

(2) Notwithstanding subsection 1, a corporation may be incorporated under this Act with power only to lend and invest money on mortgage of real estate or otherwise, or with power only to accept and execute the office of liquidator, receiver, assignee, trustee in bankruptcy or trustee for the benefit of creditors and to accept the duty of and to act generally in the winding up of corporations, partnerships and estates, other than estates of deceased persons, and shall not by reason thereof be deemed to be a corporation within the meaning of *The Loan and Trust Corporations Act*, but the number of its shareholders, exclusive of persons who are in the employment of the company, shall be limited by its articles to five, and no such corporation shall issue debt obligations except to its shareholders, or borrow money on the security of its property except from its shareholders, or receive money on deposit or offer its securities to the public. R.S.O. 1960, c. 71, s. 3 (2); 1966, c. 28, s. 2, *amended*.

R.S.O. 1960,  
c. 222

Professions

(3) Where the practice of a profession is governed by an Act, a corporation may be incorporated to practise the profession only if such Act expressly permits the practice of such profession by a corporation and subject to the provisions of such Act. *New*.

Articles of  
incorpora-  
tion

4.—(1) One or more persons, being a body corporate or a natural person who is of the age of twenty-one years or more, may incorporate a corporation by signing and delivering to the Minister in duplicate articles of incorporation. *New*.

Contents of  
articles

(2) The articles of incorporation shall set out:

1. The name of the corporation to be incorporated.
2. The objects for which the corporation is to be incorporated.
3. The place in Ontario where the head office of the corporation is to be located, giving the municipality and the county or district or, where the head office is to be located in territory without municipal organization, the geographic township and district and the address giving the street and number, if any.
4. The authorized capital, the classes of shares, if any, into which it is to be divided, the number of shares of each class, and the par value of each share, or, where the shares are to be without par value, the consideration, if any, exceeding which each share may not be issued or the aggregate consideration, if any, exceeding which all the shares of each class may not be issued.

5. Where there are to be special shares, the designations, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to them or each class of them.
6. The restrictions, if any, to be placed on the transfer of its shares or any class thereof.
7. The number of directors of the corporation and the names in full and the residence address, giving the street and number, if any, of each person who is to be a first director of the corporation.
8. The class and number of shares, if any, to be taken by each incorporator and the amount to be paid therefor.
9. The names in full, and the residence address, giving street and number, if any, of each of the incorporators.
10. Any other matter required by this Act or the regulations to be set out in the articles.

(3) The articles may set out any provision that is authorized by this Act to be set out in the articles or that could be the subject of a by-law of the corporation. R.S.O. 1960, c. 71, s. 18, *amended*. Idem

(4) Where the articles name as a first director a person who is not an incorporator, the articles shall have attached thereto his written and signed consent to act as a first director. Consent of first directors

(5) The signature of each incorporator and of each first director and the fact that each incorporator who is a natural person and each first director is of the age of twenty-one years or more shall be verified by affidavit. *New*. Affidavits

5.—(1) If the articles conform to law and the approval of any person or body required by statute to approve the incorporation has been given, the Minister shall, when all prescribed fees have been paid, Certificate of incorporation

- (a) endorse on each duplicate of the articles the word "Filed" and the day, month and year of the filing thereof;
- (b) file one of the duplicates in his office; and
- (c) issue to the incorporators or their agent a certificate of incorporation to which he shall affix the other duplicate. *New*.

(2) A corporation comes into existence upon the date set forth in its certificate of incorporation. 1961-62, c. 21, s. 1, *amended*. Idem

Idem

(3) A certificate of incorporation is conclusive proof that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this Act, except in a proceeding under section 250 to cancel the certificate for cause. R.S.O. 1960, c. 71, s. 9, *amended*.

## NAME

Use of  
"Incorporated"

**6.**—(1) The name of a corporation shall have the word "Limited" or "Incorporated" or its corresponding abbreviation "Ltd." or "Inc." as the last word thereof. R.S.O. 1960, c. 71, s. 20 (1), *amended*.

Idem

(2) Where a corporation or a director, officer or employee thereof uses the name of the corporation, the word "Limited" or "Incorporated" or its corresponding abbreviation "Ltd." or "Inc.", shall appear as the last word thereof.

Exception

(3) Stamping, writing, printing or otherwise marking on goods, wares or merchandise of the corporation or upon packages containing the goods, wares or merchandise shall not be deemed a use of the name within the meaning of subsection 2. R.S.O. 1960, c. 71, s. 21 (1, 2), *amended*.

Use of  
name

**7.** Notwithstanding section 6, a corporation may use its name in such form and in such language as the articles provide and as the Minister approves. 1964, c. 10, s. 1, *amended*.

Corporate  
name

**8.**—(1) The name of a corporation shall not,

(a) be the same as or similar to the name of a known body corporate, association, partnership or individual whether in existence or not if its use would be likely to deceive, except where the body corporate, association, partnership or individual signifies its or his consent in writing to the use of the name in whole or in part, and, if required by the Minister,

(i) in the case of a body corporate, undertakes to dissolve or change its name to a dissimilar name within six months after the filing of the articles or amendment by which the name is acquired, or

(ii) in the case of an association, partnership or individual, undertakes to cease to carry on its or his business or activities, or change its or his name to a dissimilar name, within six months after the filing of the articles or amendment by which the name is acquired;

(b)

- (b) suggest or imply a connection with the Crown or the Government of Canada or the government of a municipality or any province or territory of Canada or any department, branch, bureau, service, agency or activity of any such government or municipality without the consent in writing of the appropriate authority;
- (c) where the objects applied for are of a political nature, suggest or imply a connection with a political party or a leader of a political party;
- (d) include the word "co-operative" or any abbreviation or derivation thereof;
- (e) contain any word or phrase that indicates or implies that it is incorporated for any object other than one or more of the objects set out in its articles;
- (f) contain any word or phrase or any abbreviation or derivation thereof, the use of which is prohibited or restricted under any other Act unless in the latter case the restrictions are complied with; or
- (g) in the opinion of the Minister, be objectionable on any public grounds.

(2) If a corporation through inadvertence or otherwise has acquired a name contrary to subsection 1, the Minister may, after he has given the corporation an opportunity to be heard, issue a certificate of amendment to the articles changing the name of the corporation to the name specified in the certificate, and, upon the issuance of the certificate of amendment, the articles are amended accordingly. R.S.O. 1960, c. 71, s. 12 (1, 2), *amended*. Change of name if objectionable

(3) Where an undertaking referred to in clause *a* of subsection 1 is given by a corporation to which this Act applies and the undertaking is not carried out within the time specified, the Minister may, after giving the corporation an opportunity to be heard, issue a certificate of amendment to the articles changing the name of the corporation to the name specified in the certificate, and, upon the issuance of the certificate of amendment, the articles are amended accordingly. Failure to perform undertaking

(4) Where an undertaking referred to in clause *a* of subsection 1 is given by a body corporate to which this Act does not apply or by an association, partnership or individual and the undertaking is not carried out within the time specified, the Minister may, after giving the corporation that acquired the name by virtue of such undertaking an opportunity to be heard, issue a certificate of amendment to the

articles changing the name of the corporation to the name specified in the certificate, and, upon the issuance of the certificate, the articles are amended accordingly. *New.*

Change not  
to affect  
rights, etc.

**9.** A change in the name of a corporation does not affect its rights or obligations. R.S.O. 1960, c. 71, s. 13.

Unauthor-  
ized use of  
"Limited",  
etc.

**10.**—(1) No person, partnership or association while not incorporated shall trade or carry on a business or undertaking under a name in which "Limited", "Incorporated" or "Corporation" or any abbreviation thereof is used. R.S.O. 1960, c. 71, s. 14, *amended.*

Idem

(2) Where a corporation carries on business or identifies itself to the public in a name or style other than as provided in the articles, such name or style shall not include the word "Limited", "Incorporated" or "Corporation" or any abbreviation thereof. *New.*

Reservation  
of name

**11.**—(1) Any person may, on application in writing and on the payment of the prescribed fee, reserve a corporate name for the use and benefit of the applicant or his nominee for a period of sixty days or such lesser period as he specifies, if the name is at the time not contrary to section 8. R.S.O. 1960, c. 71, s. 15, *amended.*

Idem

(2) During the period for which a name has been reserved, no corporation shall acquire the name or a similar name without the consent in writing of the person for whose use and benefit the name has been reserved. *New.*

Notice  
of name

**12.** An individual, partnership or association may notify the Minister of the name under which his or its business or undertaking is carried on, and thereupon the Minister shall make a notation thereof in his records. R.S.O. 1960, c. 71, s. 16, *amended.*

#### SEAL AND HEAD OFFICE

Corporate  
seal

**13.**—(1) A corporation shall have a seal which shall be adopted and may be changed by resolution of the directors. R.S.O. 1960, c. 71, s. 292, *amended.*

Idem

(2) The name of the corporation shall appear in legible characters on the seal. *New.*

Head  
office

**14.**—(1) Subject to subsection 2, a corporation shall at all times have its head office at the place in Ontario where the articles provide that the head office is to be located.

Change of  
head office

(2) A corporation may by special by-law change the municipality or geographic township in which its head office is located to another place in Ontario. R.S.O. 1960, c. 71, s. 290 (1, 2), *amended.*

(3) Where the location of the head office of a corporation is changed by reason only of the annexation or amalgamation of the place in which the head office is located to or with another municipality, such change does not constitute and has never constituted a change within the meaning of subsection 2. 1964, c. 10, s. 6. Where municipality annexed or amalgamated

(4) The corporation shall, within ten days after a by-law passed under subsection 2 has been confirmed by the shareholders, file a certified copy of the by-law with the Minister. R.S.O. 1960, c. 71, s. 290 (3), *part, amended*. Filing of by-law

(5) A corporation may by resolution of the directors change the location of its head office within a municipality or geographic township and shall, within ten days after the passing of the resolution, file with the Minister notice of the change giving the address including the street and number, if any, of the new location. *New*. Change of street address

(6) Failure to comply with subsection 4 or 5 does not affect the validity of the by-law or resolution. R.S.O. 1960, c. 71, s. 290 (4), *part, amended*. Validity

#### POWERS

##### *General*

**15.—(1)** Every corporation has power,

- (a) to have perpetual succession;
- (b) to contract and sue and be sued in its corporate name; and
- (c) to carry on business in or identify itself to the public by a name or style other than its corporate name. R.S.O. 1960, c. 191, s. 26 (a), *amended*.

(2) A corporation has power as incidental and ancillary to the objects set out in its articles, Incidental powers

- 1. to carry on any other business capable of being conveniently carried on in connection with its business or likely to enhance the value of or make profitable any of its property or rights;
- 2. to acquire or undertake the whole or any part of the business, property and liabilities of any person carrying on any business that the corporation is authorized to carry on;
- 3. to apply for, register, purchase, lease, acquire, hold, use, control, license, sell, assign or dispose of patents, patent rights, copyrights, trade marks, formulae, licences, inventions, processes, distinctive marks and similar rights;

4. to enter into partnership or into any arrangement for sharing of profits, union of interests, co-operation, joint adventure, reciprocal concession or otherwise with any person or body corporate carrying on or engaged in or about to carry on or engage in any business or transaction that the corporation is authorized to carry on or engage in or any business or transaction capable of being conducted so as to benefit the corporation;
5. to take or otherwise acquire and hold securities in any other body corporate having objects altogether or in part similar to those of the corporation or carrying on any business capable of being conducted so as to benefit the corporation;
6. to lend money to any other body corporate or any firm or person having dealings with the corporation or with whom the corporation proposes to have dealings or to any other body corporate any of whose shares are held by the corporation;
7. to apply for, secure or acquire by grant, legislative enactment, assignment, transfer, purchase or otherwise, and to exercise, carry out and enjoy any charter, licence, power, authority, franchise, concession, right or privilege, that any government or authority or any body corporate or other public body may be empowered to grant, and to pay for, aid in and contribute toward carrying it into effect and to assume any liabilities or obligations incidental thereto;
8. to establish and support or aid in the establishment and support of associations, institutions, funds or trusts for the benefit of employees or former employees of the corporation or its predecessors, or the dependants or connections of such employees or former employees, and grant pensions and allowances, and make payments towards insurance or for any object similar to those set forth in this paragraph, and to subscribe or guarantee money for charitable, benevolent, educational or religious objects or for any exhibition or for any public, general or useful objects;
9. to promote any body corporate for the purpose of acquiring or taking over any of the property and liabilities of the body corporate or for any other purpose that may benefit the corporation;
10. to purchase, lease, take in exchange, hire or otherwise acquire any personal property and any rights or

privileges that the corporation considers necessary or convenient for the purposes of its business;

11. to construct, maintain and alter any buildings or works necessary or convenient for its objects;
12. to acquire by purchase, lease or otherwise and hold any land or interest therein necessary for its actual use and occupation or for carrying on its undertaking, and, when no longer necessary therefor, to sell, alienate or convey it;
13. to take, hold and alienate real and personal property that has in good faith been mortgaged to the corporation by way of security for, or conveyed to it in satisfaction of, debts previously contracted in the course of its business, or purchased at judicial sales upon levy for such indebtedness, or otherwise purchased for the purpose of avoiding a loss to the corporation;
14. to construct, improve, maintain, work, manage, carry out or control any roads, ways, tramways, branches or sidings, bridges, reservoirs, watercourses, wharves, manufactories, warehouses, electric works, shops, stores and other works and conveniences that may advance the interests of the corporation, and contribute to, subsidize or otherwise assist or take part in the construction, improvement, maintenance, working, management, carrying out or control thereof;
15. to raise and assist in raising money for, and aid by way of bonus, loan, promise, endorsement, guarantee or otherwise, any person or body corporate and guarantee the performance or fulfilment of any contracts or obligations of any person or body corporate, and in particular guarantee the payment of the principal of and interest on the debt obligations of any such person or body corporate;
16. to draw, make, accept, endorse, discount, execute and issue bills of exchange, promissory notes, bills of lading, warrants and other negotiable or transferable instruments;
17. where authorized to do so by a special resolution, to sell, lease, exchange or otherwise dispose of the undertaking of the corporation or any part thereof as an entirety or substantially as an entirety for such consideration as the corporation thinks fit;

18. to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with the property of the corporation in the ordinary course of its business;
19. to adopt such means of making known the products of the corporation as may seem expedient, and in particular by advertising, by purchase and exhibition of works of art or interest, by publication of books and periodicals and by granting prizes and rewards and making donations;
20. to cause the corporation to be registered and recognized in any foreign jurisdiction or any province or territory of Canada, and designate persons therein according to the laws of that foreign jurisdiction or that province or territory of Canada to represent the corporation and to accept service for and on behalf of the corporation of any process or suit;
21. to allot and issue fully-paid shares of the corporation in payment or part payment of any property purchased or otherwise acquired by the corporation or for any past services performed for the corporation;
22. to distribute among the shareholders of the corporation in cash, kind, specie or otherwise as may be resolved, by way of dividend, bonus or in any other manner deemed advisable, any property of the corporation, but not so as to decrease the capital of the corporation unless the distribution is made for the purpose of enabling the corporation to be dissolved or the distribution, apart from this paragraph, would be otherwise lawful;
23. to establish agencies and branches;
24. to take or hold mortgages, hypothecs, liens and charges to secure payment of the purchase price, or of any unpaid balance of the purchase price, of any part of the property of the corporation of whatsoever kind sold by the corporation, or for any money due to the corporation from purchasers and others and to sell or otherwise dispose of any such mortgage, hypothec, lien or charge;
25. to pay all costs and expenses of or incidental to the incorporation and organization of the corporation;
26. to invest and deal with the moneys of the corporation not immediately required for the objects of the corporation in such manner as may be determined;

27. to do any of the things authorized by this subsection and all things authorized by its articles as principals, agents, contractors, trustees or otherwise, and either alone or in conjunction with others;
28. to do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the corporation,

except that the incidental and ancillary powers of a corporation incorporated under subsection 2 of section 3 are limited to those set out in paragraphs 7, 8, 11, 12, 16, 17, 18, 20, 22 and 25. R.S.O. 1960, c. 71, ss. 22 (1), 288, *amended*.

(3) Any of the powers set out in subsection 2 may be with-<sup>Limited by articles</sup> held or limited by the articles. R.S.O. 1960, c. 71, s. 22 (2), *amended*.

(4) Every corporation may exercise its powers beyond the<sup>Power to act outside Ontario</sup> boundaries of Ontario to the extent to which the laws in force where the powers are sought to be exercised permit, and may accept extra-provincial powers and rights. R.S.O. 1960, c. 71, s. 287, *amended*.

**16.**—(1) No act of a corporation and no transfer of real<sup>Acting outside powers</sup> or personal property to or by a corporation, otherwise lawful, that is heretofore or hereafter done or made, is invalid by reason of the fact that the corporation was without capacity or power to do such act or make or receive such transfer, but such lack of capacity or power may be asserted,

- (a) in a proceeding against the corporation by a shareholder under subsection 2;
- (b) in a proceeding by the corporation, whether acting directly or through a receiver, liquidator, trustee or other legal representative or through shareholders in a representative capacity, against a director or officer or former director or officer of the corporation; or
- (c) as cause for the cancellation of the certificate of incorporation of the corporation under section 250.

(2) A shareholder of a corporation may apply to a court<sup>Restraining order</sup> of competent jurisdiction for an order to restrain the corporation from doing any act or transferring or receiving the transfer of real or personal property on the ground that the corporation lacks capacity or power for the purpose, and the court may, if it deems it to be just and equitable, grant an order prohibiting the corporation from doing the act or transferring or receiving the transfer of the real or personal property, but,

where

where the act or transfer sought to be restrained or prohibited is being or to be done or made under a contract to which the corporation is a party,

- (a) all the parties to the contract shall be parties to the proceeding;
- (b) the court in granting the order may set aside the contract and allow the corporation or other parties to the contract, as the case may be, such compensation as may be equitable for the loss or damage sustained by any of them from the granting of the order and setting aside of the contract, other than anticipated profits from the contract. *New.*

Loans to  
shareholders,  
directors,  
etc.

**17.**—(1) Except as provided in subsection 2, a corporation shall not,

- (a) make loans to any of its shareholders, directors or employees; or
- (b) give, directly or indirectly, by means of a loan, guarantee, the provision of security or otherwise, any financial assistance for the purpose of, or in connection with, a purchase or subscription made or to be made by any person of any shares of the corporation.

Exceptions

(2) A corporation may,

- (a) make loans to any of its shareholders, directors or employees in the ordinary course of its business where the making of loans is part of the ordinary business of the corporation;
- (b) make loans to *bona fide* full-time employees of the corporation whether or not they are shareholders or directors, with a view to enabling them to purchase or erect dwelling houses for their own occupation, and may take from such employees mortgages or other security for the repayment of such loans;
- (c) provide, in accordance with a scheme for the time being in force, money by way of loan for the purchase of or subscription for shares of the corporation by trustees, to be held by or for the benefit of *bona fide* employees of the corporation, whether or not they are shareholders or directors; or
- (d) make loans to *bona fide* employees of the corporation, other than directors, whether or not they are shareholders, with a view to enabling them to purchase or subscribe for shares of the corporation to be held by them by way of beneficial ownership.

(3) The power mentioned in clause *b*, *c* or *d* of subsection 2 may be exercised only under the authority of a special by-law. <sup>By special by-law only</sup>  
R.S.O. 1960, c. 71, s. 23 (1, 2), *amended*.

### *Contracts*

**18.**—(1) A contract that if entered into by an individual person would be by law required to be in writing and under seal may be entered into on behalf of a corporation in writing under the seal of the corporation. <sup>Contracts in writing under seal</sup>

(2) A contract that if entered into by an individual person would be by law required to be in writing signed by the parties to be charged therewith may be entered into on behalf of a corporation in writing signed by any person acting under its authority, express or implied. <sup>Contracts in writing not under seal</sup>

(3) A contract that if entered into by an individual person would be by law valid although made by parol only and not reduced into writing may be entered into by parol on behalf of a corporation by any person acting under its authority, express or implied. R.S.O. 1960, c. 71, s. 293, *amended*. <sup>Parol contracts</sup>

**19.** A corporation may, by writing under seal, empower any person, either generally or in respect of any specified matters, to execute, as its attorney and on its behalf in any place within or outside Ontario, documents to which it is a party in any capacity and that are required by law to be under seal, and every document signed by such attorney on behalf of the corporation acting within the scope of his authority, express or implied, and under his seal binds the corporation and has the same effect as if it were under the seal of the corporation. R.S.O. 1960, c. 71, s. 294, *amended*. <sup>Power of attorney</sup>

**20.**—(1) In this section,

<sup>Interpretation</sup>

- (a) “contractor” means a person who enters into a pre-incorporation contract in the name of or on behalf of a corporation before its incorporation;
- (b) “other party” means a person with whom a contractor enters into a pre-incorporation contract;
- (c) “pre-incorporation contract” means a contract entered into by a contractor in the name of or on behalf of a corporation before its incorporation.

(2) A corporation may adopt a pre-incorporation contract entered into in its name or on its behalf, and thereupon the corporation is entitled to the benefits and is subject to the <sup>Adoption of pre-incorporation contracts</sup>

liabilities

liabilities that were contracted in its name or on its behalf and the contractor ceases to be entitled to such benefits or to be subject to such liabilities.

Non-  
adoption  
of pre-  
incor-  
poration  
contracts

(3) Where a pre-incorporation contract is not adopted by a corporation, the contractor is entitled to the benefits and subject to the liabilities under the contract and is entitled to recover from the corporation the value of any benefit received by the corporation under the contract.

Application  
to court  
for relief

(4) Whether or not a pre-incorporation contract is adopted by the corporation, the other party may apply to the court which may, notwithstanding subsections 2 and 3, make an order fixing or apportioning liability as between the contractor and the corporation in any manner the court considers just and equitable under the circumstances. R.S.O. 1960, c. 71, s. 286, *amended*.

### *By-laws and Resolutions*

By-laws

**21.—(1)** The directors may pass by-laws not contrary to this Act or to the articles to regulate,

- (a) the allotment and issue of shares, the payment thereof, the issue of share certificates and the transfer and the registration of transfers of shares;
- (b) the declaration and payment of dividends;
- (c) the qualification and remuneration of the directors;
- (d) the time for and the manner of election of directors;
- (e) the appointment, remuneration, functions, duties and removal of agents, officers and employees of the corporation and the security, if any, to be given by them to it;
- (f) the time and place and the notice to be given for the holding of meetings of shareholders and of the board of directors, the quorum at meetings of shareholders, the requirements as to proxies, and the procedure in all things at shareholders' meetings and at meetings of the board of directors;
- (g) the conduct in all other particulars of the affairs of the corporation.

(2) Subject to section 22, a by-law passed under subsection 1 and a repeal, amendment or re-enactment thereof is effective from the time of its passing if it is confirmed, with or without variation, at a general meeting of the shareholders duly called for that purpose or at the next annual meeting of the shareholders, whichever is held first. Confirmation

(3) The shareholders may, at the general meeting or the annual meeting mentioned in subsection 2, confirm, reject, amend or otherwise deal with any by-law passed by the directors and submitted to the meeting for confirmation, but no act done or right acquired under any such by-law is prejudicially affected by any such rejection, amendment or other dealing. R.S.O. 1960, c. 71, s. 67 (1, 3), *amended*. Powers re confirmation

(4) Where a by-law or repeal, amendment or re-enactment thereof is not confirmed at a meeting as required by subsection 2, it has effect from the time of its passing until the meeting but not thereafter, and no subsequent by-law, repeal, amendment or re-enactment of the same or similar substance has any effect until it is confirmed at a general meeting of the shareholders duly called for that purpose. R.S.O. 1960, c. 71, s. 67 (2), *amended*. Rejection

**22.**—(1) A by-law relating to the remuneration of a director as director shall fix the remuneration and the period for which it is to be paid. *New*. Remuneration of directors

(2) A by-law passed under subsection 1 is not effective until it is confirmed at a general meeting of the shareholders duly called for that purpose. R.S.O. 1960, c. 71, s. 68. Confirmation

**23.**—(1) Any by-law or resolution consented to at any time during a corporation's existence by the signatures of all the directors is as valid and effective as if passed at a meeting of the directors duly called, constituted and held for that purpose. By-laws and resolutions

(2) Any resolution consented to at any time during a corporation's existence by the signatures of all the shareholders entitled to vote at a meeting of shareholders is as valid and effective as if passed at a meeting of the shareholders duly called, constituted and held for that purpose. Idem

(3) Any by-law or resolution passed by the directors at any time during a corporation's existence may, in lieu of confirmation at a general meeting of shareholders, be confirmed in writing by all the shareholders entitled to vote at such meeting. Alternative method of confirming by-laws

Evidentiary  
value of  
signatures

(4) Where a by-law or resolution purports to have been consented to or confirmed under this section by the signatures of all the directors or shareholders, as the case may be, of the corporation, the signatures to the by-law or resolution are admissible in evidence as *prima facie* proof of the signatures of the directors or shareholders, as the case may be, that they purport to represent and are admissible in evidence as *prima facie* proof that the signatories to the by-law or resolution were all the directors or all the shareholders entitled to vote at meetings of shareholders, as the case may be, at the date that the by-law or resolution purports so to have been consented to or confirmed. R.S.O. 1960, c. 71, s. 311, *amended*.

## SHARES

### *Authorized Capital*

Authorized  
capital

**24.—**(1) The authorized capital of a corporation shall be divided into shares with par value or without par value or both and may consist of shares of more than one class.

Par  
shares

(2) Where all the shares of a corporation are with par value, its authorized capital shall be expressed in Canadian or other currency in its articles, or partly in one currency and partly in another, and is an amount equal to the total of the products of the number of shares of each class multiplied by the par value thereof. R.S.O. 1960, c. 71, s. 24 (1, 2), *amended*.

No par  
shares

(3) Where all the shares of a corporation are without par value, its authorized capital shall be expressed in its articles as a specified number of shares.

No par  
and par  
shares

(4) Where part of the shares of a corporation are with par value and part are without par value, its authorized capital shall be expressed in its articles as a specified number of shares of each class of shares having a specified par value and a specified number of shares of each class of shares without par value. R.S.O. 1960, c. 71, s. 24 (3), *amended*.

Considera-  
tion for  
no par  
shares

**25.—**(1) Where all the shares of a corporation are without par value or where part of its shares are with par value and part are without par value, the articles may provide,

- (a) that each share without par value shall not be issued for a consideration; or
- (b) the shares of each class of shares without par value shall not be issued for an aggregate consideration,

exceeding

exceeding in amount or value a stated amount in Canadian or other currency, and the articles may provide, in addition, that such share or shares may be issued for such greater amount as the board of directors of the corporation by resolution determines.

(2) A resolution referred to in subsection 1 is not effective until,

(a) a certified copy thereof has been filed with the Minister;

(b) all prescribed fees have been paid; and

(c) the Minister has so certified. R.S.O. 1960, c. 71, s. 24 (4), *amended*.

**26.**—(1) The common shares of a corporation shall be shares to which there is attached no preference, right, condition, restriction, limitation or prohibition set out in the articles of the corporation, other than a restriction on the allotment, issue or transfer.

(2) Where a corporation has one class of shares, that class shall be common shares and designated as provided in the articles. *New*.

(3) Where a corporation has more than one class of shares, one class shall be common shares, designated as provided in the articles, and the other shares shall be special shares and may consist of one or more classes of special shares and shall have attached thereto the designations, preferences, rights, conditions, restrictions, limitations or prohibitions set out in the articles.

(4) No class of special shares shall be designated as preference shares or by words of like import, unless that class has attached thereto a preference or right over the common shares. R.S.O. 1960, c. 71, s. 27 (1), *amended*.

**27.**—(1) Each class of special shares may have attached to it preferences, rights, conditions, restrictions, limitations or prohibitions, including but not limited to,

(a) the right to cumulative, non-cumulative or partially cumulative dividends;

(b) a preference over any other class or classes of shares as to the payment of dividends;

(c)

- (c) a preference over any other class or classes of shares as to repayment of capital upon the dissolution of the corporation or otherwise;
- (d) the exclusive right to elect part of the board of directors;
- (e) the right to convert the shares of that class into shares of another class or classes of shares;
- (f) the right of the corporation at its option to redeem all or part of the shares of that class;
- (g) the purchase for cancellation by the corporation of all or part of the shares of that class by agreement with the holders thereof at the lowest price at which, in the opinion of the directors, such shares are obtainable, but not exceeding an amount stated in or determined by the articles;
- (h) conditions, restrictions, limitations or prohibitions on the right to vote at meetings of shareholders. R.S.O. 1960, c. 71, s. 27 (1, 2), *amended*.

Valuation  
of shares

(2) Any provision in the articles under clause *c* or *f* of subsection 1 shall set out the method by which the amount to be paid in respect of each share of the class is to be determined. *New*.

Equality  
of shares  
of a class

**28.** Except as provided in section 29, each share of a class shall be the same in all respects as every other share of that class. R.S.O. 1960, c. 71, s. 25.

Special  
shares in  
series

**29.—**(1) The articles of a corporation may authorize the issue from time to time in one or more series of the special shares of a class and may authorize the directors to fix from time to time before such issue the designation, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to the shares of each series of the class.

Voting  
rights

(2) The shares of all series of the same class of special shares shall carry the same voting rights or the same restrictions, conditions, limitations or prohibitions on the right to vote.

Proportionate  
abatement

(3) Where any dividends or amounts payable on a repayment of capital are not paid in full, the shares of all series of the same class of special shares shall participate rateably in respect of such dividends, including accumulations, if any,

in accordance with the sums that would be payable on such shares if all such dividends were declared and paid in full, and on any repayment of capital in accordance with the sums that would be payable on such repayment of capital if all sums so payable were paid in full. R.S.O. 1960, c. 71, s. 28 (1-3), *amended*.

**30.**—(1) The articles may set forth the designation, preferences, rights, conditions, restrictions, limitations and prohibitions attaching to the first series to be issued in which case the special shares of the first series may be issued in accordance with the articles. Provision for first series in articles

(2) A series, other than one to which subsection 1 applies, shall not be issued until, Conditions to issue of series

- (a) the directors have by resolution fixed the designation, preferences, rights, conditions, restrictions, limitations and prohibitions attaching to the special shares of the series; and
- (b) the statement referred to in section 31 has been filed with the Minister and the certificate of the Minister has been issued under section 31. R.S.O. 1960, c. 71, s. 28 (4, 5), *amended*.

**31.**—(1) For the purpose of bringing a resolution passed by the directors under subsection 2 of section 30 into effect the corporation shall deliver to the Minister, within six months after the resolution has been passed, a statement in duplicate executed under the seal of the corporation and signed by two officers, or by one director and one officer, of the corporation, and verified by affidavit of one of the officers or directors signing the statement, setting out, Filing of statement

- (a) the name of the corporation;
- (b) a certified copy of the resolution;
- (c) that the resolution was duly passed by the directors;
- (d) the date of the passing of the resolution; and
- (e) that the conditions, if any, contained in the articles or in any prior resolution precedent to the creation and issue of the shares of the series have been complied with.

(2) If the statement conforms to law, the Minister shall, when all prescribed fees have been paid, Issuance of certificate

(a)

- (a) endorse on each duplicate of the statement the word "Filed" and the day, month and year of the filing thereof;
- (b) file one of the duplicates in his office; and
- (c) issue to the corporation or its agent a certificate of the filing to which he shall affix the other duplicate.

Effect of  
certificate

(3) Upon the date set forth in the certificate of filing the resolution becomes effective and constitutes an amendment to the articles. *New.*

### *Issued Capital*

Issued  
capital,  
par value  
shares:

**32.**—(1) Where all the shares of a corporation are with par value, its issued capital shall be expressed in Canadian or other currency, or partly in one currency and partly in another, and is an amount equal to the total of the products of the number of issued shares of each class multiplied by the par value thereof less such decreases in the issued capital as from time to time have been effected by the corporation in accordance with this Act.

no par  
value  
shares, etc.

(2) Where the shares of a corporation are without par value or where part of its shares are with par value and part are without par value, its issued capital shall be expressed in Canadian or other currency, or partly in one currency and partly in another, and is an amount equal to the total of the products of the number of issued shares of each class with par value multiplied by the par value thereof, together with the amount of the consideration for which the shares without par value from time to time outstanding were issued and together with such amounts as from time to time by by-law of the corporation may be transferred thereto and less such decreases in the issued capital as from time to time have been effected by the corporation in accordance with this Act. R.S.O. 1960, c. 71, s. 30 (1, 2), *amended*.

Cancellation  
of par  
share:

**33.**—(1) Where an issued share of a class with par value is cancelled, the issued capital is decreased by an amount equal to the par value of the shares of that class. *New.*

of no par  
share

(2) Where an issued share of a class without par value is cancelled, the issued capital is decreased by an amount equal to the amount obtained by dividing,

- (a) that part of the issued capital attributable to that class of shares in accordance with subsection 2 of section 32;

by

(b)

- (b) the number of issued shares of that class. R.S.O. 1960, c. 71, s. 35, *amended*.

(3) Where a fraction of an issued share of a class is cancelled, the issued capital is decreased by an amount that bears the same proportion to the amount determined under subsection 1 or 2, as the case may be, that the fraction bears to a whole share of that class. *New*.

*Redemption, Purchase, Conversion and Surrender*

**34.**—(1) Where the shares of a class of special shares are made redeemable by the articles and part only of the special shares are to be redeemed, the shares to be redeemed shall be selected,

- (a) by lot in such manner as the board of directors determines;
- (b) as nearly as may be in proportion to the number of special shares of the class registered in the name of each shareholder; or
- (c) in such other manner as the board of directors determines with the consent of the holders of special shares of the class obtained in the manner set out in subsection 2,

but the articles may confine the manner of selection to that set out in clause *a* or in clause *b*.

(2) Where shares of a class of special shares are selected in the manner referred to in clause *c* of subsection 1, the selection shall be consented to in writing by,

- (a) all the holders of the special shares of the class; or
- (b) at least 95 per cent of the holders of the special shares of the class holding at least 95 per cent of the issued shares of that class if, after twenty-one days notice has been given by sending notice to each of the holders of shares of that class addressed to him at his latest address as shown on the records of the corporation, none of the holders of shares of that class dissents in writing to the corporation. R.S.O. 1960, c. 71, s. 27 (7, 8), *amended*.

(3) Where a holder of redeemable special shares of a corporation that is not offering its securities to the public dies or leaves its employment, notwithstanding subsection 1, it may within one year of such event redeem all or any of the special shares held by him. R.S.O. 1960, c. 71, s. 27 (9), *amended*.

Purchase of  
special  
shares for  
cancellation

**35.**—(1) Where the shares of a class of special shares are made purchasable for cancellation by the articles, then, except where the purchase is made on the open market or all the holders of the class consent to the purchase, the corporation may purchase the shares only pursuant to tenders received by the corporation upon request for tenders addressed to all the holders of the shares of the class, and the corporation shall accept only the lowest tenders. R.S.O. 1960, c. 71, s. 27 (11), *amended*.

*Idem*

(2) Where, in response to the invitation for tenders, two or more shareholders submit tenders at the same price and the tenders are accepted by the corporation as to part only of the shares offered, the corporation shall accept part of the shares offered in each tender in proportion as nearly as may be to the total number of shares offered in each tender. *New*.

Conversion:  
of par  
shares to  
par shares

**36.**—(1) The articles of a corporation shall not provide for the conversion of shares with par value into shares with par value if the aggregate par value of the shares being converted is not equal to the aggregate par value of the shares into which they are converted.

par shares  
to no par  
shares

(2) Where, in accordance with the articles, shares with par value are converted into shares without par value, the issued capital of the corporation attributable to the shares resulting from the conversion shall be equal to the aggregate par value of the shares converted.

no par  
shares to  
par shares

(3) Where the articles provide for the conversion of shares without par value into shares with par value, no such share shall be converted unless that part of the issued capital attributable to the shares being converted is equal to the aggregate par value of the shares resulting from the conversion.

no par  
shares to  
no par  
shares

(4) Where, in accordance with the articles, shares without par value are converted into shares without par value, the issued capital shall remain unchanged. R.S.O. 1960, c. 71, s. 27 (15), *amended*.

of special  
shares

(5) Where special shares of a class are converted into the same or another number of shares of another class or classes, whether special or common, the shares converted thereupon become the same in all respects as the shares of the class or classes respectively into which they are converted, and the number of shares of each class affected by the conversion is changed and the articles are amended accordingly. R.S.O. 1960, c. 71, s. 27 (14).

Surrender  
of mutual  
fund shares

**37.**—(1) Where the only undertaking of a corporation is the business of investing the funds of the corporation, its articles may provide for the issuing of one or more classes of

mutual fund shares that have attached thereto conditions requiring the corporation to accept, at the demand of the holder thereof and at prices determined and payable in accordance with the conditions, the surrender of the shares, or fractions or parts thereof.

(2) Articles that provide for the issuing of mutual fund shares shall set out the conditions governing, <sup>Conditions and price</sup>

(a) the surrender of mutual fund shares or any fractions or parts thereof; and

(b) the determination of the price to be paid therefor and the manner and time of payment thereof. *New.*

**38.**—(1) A corporation shall not redeem or purchase special shares or accept mutual fund shares for surrender if the corporation is insolvent or if the redemption, purchase or surrender would render the corporation insolvent. <sup>Redemption, purchase or surrender while insolvent</sup>

(2) Special shares that are redeemed or purchased by a corporation are thereby cancelled, and the authorized and issued capital of the corporation are thereby decreased and the articles are amended accordingly. R.S.O. 1960, c. 71, s. 27 (12, 13), *amended*. <sup>Cancellation on redemption, purchase or surrender</sup>

(3) Where mutual fund shares are accepted for surrender by a corporation, the shares are not thereby cancelled, and the board of directors may resell the shares at such time and price and on such terms as it determines, in which case the amount received from the sale shall form part of the surplus of the corporation. *New.* <sup>Idem: mutual funds</sup>

**39.**—(1) Where authorized in its articles and subject to any restrictions contained therein, a corporation may purchase any of its common shares out of surplus. <sup>Purchase of common shares: out of surplus</sup>

(2) A corporation may purchase any of its common shares out of issued capital if the purchase is made, <sup>out of capital</sup>

(a) for the purpose of eliminating fractions of shares; or

(b) for the purpose of collecting or compromising indebtedness to the corporation.

(3) A corporation shall not purchase common shares under subsection 1 or 2 if the corporation is insolvent or if the purchase would render the corporation insolvent. <sup>while insolvent</sup>

(4) No purchase of common shares shall be made under this section by a corporation unless the purchase is authorized by an express resolution of the board of directors. <sup>authorization</sup>

method

(5) Where a corporation purchases its common shares under this section, the purchase shall be made,

- (a) by invitation addressed to all shareholders for tenders of shares and *pro rata* from the shares so tendered; or
- (b) from *bona fide* full-time employees and former employees of the corporation; or
- (c) where the corporation is offering its shares to the public, by purchase on the open market. *New.*

Cancellation  
or resale

**40.**—(1) Where common shares are purchased by a corporation under subsection 1 of section 39,

- (a) if the articles so require, the shares shall be cancelled and thereupon the authorized and issued capital of the corporation are thereby decreased, and the articles are amended accordingly;
- (b) if the articles do not require the shares to be cancelled,
  - (i) the board of directors may at the time of the purchase cancel the shares, in which case the authorized and issued capital of the corporation are thereby decreased and the articles are amended accordingly; or
  - (ii) the board of directors may resell the shares at such time and price and on such terms as it determines, in which case the amount received from the sale shall form part of the surplus of the corporation.

Cancellation

(2) Common shares or fractions thereof purchased under subsection 2 of section 39 are thereby cancelled and the authorized and issued capital are thereby decreased and the articles are amended accordingly. *New.*

Corporation  
insider re  
purchase  
and resale  
of own  
shares

**41.** Where a corporation purchases common shares under subsection 1 of section 39 or resells them under subclause ii of clause *b* of subsection 1 of section 40, the corporation shall be deemed to be an insider in respect of the purchase or resale, and sections 148 to 152 apply to the purchase or resale. *New.*

Perform-  
ance of  
agreement  
to purchase  
common  
shares

**42.** An agreement for the purchase by a corporation of its common shares is not invalid or unenforceable because of the possibility that the corporation may not be able to comply with section 39, but such agreement is,

- (a) subject to subsection 2 of section 135, valid if performed; and

(b)

- (b) if not performed, valid and enforceable to the extent the corporation is able to purchase its common shares at the time for performance. *New.*

**43.**—(1) A corporation may accept from any shareholder a donation of any of its shares without any repayment of capital in respect thereof. Donation of shares

(2) Shares accepted under subsection 1 are not thereby cancelled, and the board of directors may sell the shares at such time and price and on such terms as it determines, in which case the amount received from the sale shall form part of the surplus of the corporation. *New.* Sale of donated shares

#### *Allotment, Issue and Transfer*

**44.**—(1) In the absence of a provision to the contrary in the articles or by-laws of the corporation, shares may be allotted and issued at such times and in such manner and to such persons or class of persons as the directors determine. Issue of shares

(2) Shares with par value shall not be allotted or issued except for a consideration at least equal to the product of the number of shares allotted or issued multiplied by the par value thereof. Consideration for par shares

(3) Subject to section 25, shares without par value shall not be allotted or issued except for such consideration as is fixed by the directors. Consideration for no par shares

(4) No share shall be issued until it is fully paid and a share is not fully paid until all the consideration therefor in cash, property or services, as determined under this section, has been received by the corporation. Fully-paid shares

(5) For the purposes of subsection 4 and paragraph 21 of subsection 2 of section 15, a document evidencing indebtedness does not constitute property and services shall be past services actually performed for the corporation, and the value of property or services shall be the value the directors determine by express resolution to be in all the circumstances of the transaction the fair equivalent of the cash value. R.S.O. 1960, c. 71, s. 31, *amended.* Idem

**45.**—(1) A corporation may provide by special by-law for the payment of commissions or allowing discounts to persons in consideration of their subscribing or agreeing to subscribe, whether absolutely or conditionally, for shares in the corporation, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for such shares, but, except in the case of mining, gas or oil corporations or corporations at least 75 per cent of whose assets are of a wasting character, no such commission or discount shall exceed 25 per cent of the amount of the subscription price. Commission on sale of shares

No  
unauthorized  
commissions

(2) Except as provided in subsection 1, no corporation shall apply any of its shares or capital, either directly or indirectly, in payment of any commission, discount or allowance to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for shares of the corporation or procuring or agreeing to procure subscriptions, whether absolute or conditional, for such shares, whether the shares or capital is so applied by being added to the purchase money of any property acquired by the corporation or to the contract price of any work to be executed for the corporation, or is paid out of the nominal purchase money or contract price or otherwise. R.S.O. 1960, c. 71, s. 32, *amended*.

Shares  
personal  
property

**46.** The shares of a corporation are personal property. R.S.O. 1960, c. 71, s. 38, *amended*.

Restrictions  
on transfer

**47.—**(1) A corporation shall not impose restrictions on the transfer of shares except such restrictions as are authorized by the articles. R.S.O. 1960, c. 71, s. 39 (1), *amended*.

No public  
offer if  
transfer  
restricted

(2) A corporation that has imposed restrictions on the transfer of its shares shall not offer its shares to the public unless the restrictions are necessary,

- (a) by or under any Act of Canada or Ontario as a condition to the obtaining, holding or renewal of authority to engage in any activity necessary to its undertaking; or
- (b) for the purpose of achieving or preserving its status as a Canadian corporation for the purpose of any Act of Canada or Ontario. *New*.

Lien for  
indebted-  
ness

(3) Except in the case of shares listed on a stock exchange recognized by the Commission, where the articles or by-laws so provide the corporation has a lien to the extent of the debt on the shares registered in the name of a shareholder who is indebted to the corporation. R.S.O. 1960, c. 71, s. 39 (3), *amended*.

Subsidiaries  
not to hold  
shares of  
holding  
corporations

**48.—**(1) Except in the cases mentioned in this section, a corporation shall not be a shareholder of a corporation that is its holding corporation, and any allotment or transfer of shares of a corporation to its subsidiary corporation is void.

Application

(2) This section does not apply to a subsidiary holding shares as personal representative unless the holding corporation or a subsidiary thereof is beneficially interested under a trust and is not so interested only by way of security for the purposes of a transaction entered into by it in the ordinary course of a business that includes the lending of money.

(3) This section does not prevent a subsidiary that on the 30th day of April, 1954, held shares of its holding corporation from continuing to hold such shares, but, subject to subsection 2, the subsidiary has no right to vote at meetings of shareholders of the holding corporation or at meetings of any class of shareholders thereof. Exception

(4) Subject to subsection 2, subsections 1 and 3 apply in relation to a nominee for a corporation that is a subsidiary as if the references in subsections 1 and 3 to such a corporation included references to a nominee for it. R.S.O. 1960, c. 71, s. 94. Nominees

### *Share Certificates*

**49.**—(1) Every shareholder is entitled to a share certificate in respect of the shares held by him, signed by the proper officers in accordance with the corporation's by-laws in that regard, but the corporation is not bound to issue more than one share certificate in respect of a share or shares held jointly by several persons, and delivery of a share certificate to one of several joint shareholders is sufficient delivery to all. Share certificates

(2) A corporation may charge a fee of not more than \$1 for every share certificate issued, except that, in the case of the allotment and issue of shares, no fee shall be charged. R.S.O. 1960, c. 71, s. 43 (1, 3). Fee

**50.** A share certificate shall be signed manually by at least one officer of the corporation or by or on behalf of a transfer agent or branch transfer agent of the corporation, and the corporation may by by-law provide that any additional signatures required on share certificates may be printed, engraved, lithographed or otherwise mechanically reproduced thereon, and in such event share certificates so signed are as valid as if they had been signed manually. R.S.O. 1960, c. 71, s. 46. Signing of share certificates

**51.**—(1) Every share certificate shall state upon its face, Contents of share certificates

- (a) the name of the corporation and the words "Incorporated under the law of the Province of Ontario" or words of like effect;
- (b) the name of the person to whom the share is issued as holder; and
- (c) the number and class of shares represented thereby and whether the shares are with par value or without par value and, if with par value, the par value thereof. R.S.O. 1960, c. 71, s. 45 (1), *amended*.

Statements  
on share  
certificates

(2) A share certificate issued for a share of a class of special shares shall,

- (a) legibly state on the certificate or have attached thereto a legible statement of the preferences, rights, conditions, restrictions, prohibitions or limitations attaching to that class of shares; or
- (b) legibly state on the certificate that there are preferences, rights, conditions, restrictions, prohibitions or limitations attaching to that class and that a copy of the full text thereof is obtainable on demand and without fee from the corporation.

Production  
of  
preferences,  
etc.

(3) Where a share certificate contains a statement as provided in clause *b* of subsection 2, the corporation shall furnish to the shareholder on demand without fee a copy of the full text of the preferences, rights, conditions, restrictions, prohibitions and limitations attaching to the share.

Lien on  
shares

(4) Where the articles or by-laws provide that a corporation has a lien on shares as authorized by subsection 3 of section 47, the right of the corporation to the lien shall be noted conspicuously on every share certificate issued by the corporation.

Transfer  
restricted

(5) A share certificate for a share the transfer of which is restricted in accordance with the articles shall have the restriction noted conspicuously on the certificate. *New.*

Fractional  
shares

**52.** Where, as a result of a change in the authorized capital of a corporation, a person becomes entitled to a fraction of a share, he is not entitled to be registered on the records of the corporation in respect thereof or to receive a share certificate therefor, but he is entitled to receive a bearer fractional certificate in respect of such fraction, and, on presentation at the head office of the corporation or at a place designated by the corporation of bearer fractional certificates for fractions that together represent a whole share, a share certificate for a whole share shall be issued in exchange therefor, and sections 63 to 97 apply thereto. R.S.O. 1960, c. 71, s. 37 (1, 2), *amended.*

#### BORROWING

Borrowing  
powers

**53.—**(1) When authorized by special by-law, the directors may,

- (a) borrow money on the credit of the corporation; or
- (b) issue, sell or pledge debt obligations of the corporation; or

(c)

- (c) charge, mortgage, hypothecate or pledge all or any currently owned or subsequently acquired real or personal, movable or immovable property of the corporation, including book debts, rights, powers, franchises and undertaking, to secure any debt obligations or any money borrowed, or other debt or liability of the corporation. R.S.O. 1960, c. 71, s. 58 (1), *amended*.

- (2) Any by-law referred to in subsection 1 may,

Contents  
of by-law

- (a) limit the amount to be borrowed as determined by the by-law; and
- (b) provide for the delegation by the directors of the powers conferred on them under the by-law to such directors or officers of the corporation and to such extent and manner as is set out in the by-law. *New*.

**54.** Nothing in this Act prohibits the issue of debt obligations in bearer form. *New*.

Bearer  
debt  
obligations

**55.** A condition contained in a debt obligation or in an instrument for securing a debt obligation is not invalid by reason only that the debt obligation is thereby made irredeemable or redeemable only on the happening of a contingency, however remote, or on the expiration of a period, however long. R.S.O. 1960, c. 71, s. 59, *amended*.

Irredeem-  
able debt  
obligation

**56.**—(1) Where a corporation makes a charge, mortgage or other instrument of hypothecation or pledge to secure its debt obligations, the corporation shall, forthwith after the making thereof, file a duplicate original or certified copy of the instrument in the office of the Minister, but such filing may be made by any interested person. R.S.O. 1960, c. 71, s. 60 (1), *amended*.

Filing  
debt  
obligations

(2) Where the filing is by an interested person under subsection 1, that person is entitled to recover from the corporation the amount of any prescribed fee paid by him on such filing. *New*.

Recovery  
of fee

(3) Subsection 1 does not apply to a charge or mortgage filed with the Minister under *The Corporation Securities Registration Act*, or any other Act. R.S.O. 1960, c. 71, s. 60 (2).

Exception  
R.S.O. 1960,  
c. 70

#### *Indenture Trustees*

- 57.**—(1) In this section and in sections 58 to 62,

Interpre-  
tation

- (a) “trust indenture” means any deed, indenture or document howsoever designated, including any supplement or amendment thereto, by the terms of

which

which a body corporate issues or guarantees debt obligations and in which a trustee is named as trustee for the holders of the debt obligations issued or guaranteed thereunder;

- (b) "trustee" means any person named as trustee under the terms of a trust indenture, whether or not the person is a trust company authorized to carry on business in Ontario. *New.*

Application  
of sections  
58 to 62

(2) This section and sections 58 to 62 shall apply to every body corporate, except corporations, offering their debt obligations to the public in Ontario under a trust indenture and to every corporation offering their debt obligations to the public under a trust indenture.

Resident  
trustee

(3) Every body corporate whose debt obligations are offered to the public in Ontario or issued under a trust indenture in Ontario shall have a trustee resident or authorized to do business in Ontario.

Statutory  
provisions  
in trust  
indentures

**58.—**(1) Trust indentures shall be deemed to contain the following provisions:

1. In the exercise of the rights, duties and obligations prescribed or conferred by the terms of the trust indenture, the trustee shall exercise that degree of care, diligence and skill that a reasonably prudent trustee would exercise in comparable circumstances.
2. In the exercise of his rights, duties and obligations the trustee may, if he is acting in good faith, rely, as to the truth of the statements and the accuracy of the opinions expressed therein, upon statutory declarations, opinions, reports or certificates furnished pursuant to any covenant, condition or other requirement of the trustee indenture or required by the trustee to be furnished to him in the exercise of his rights and duties under the trust indenture where,
  - (a) the statutory declarations, opinions, reports or certificates are furnished under subsection 1 of section 59, they comply with subsections 2 and 3 thereof; and
  - (b) the trustee examines the evidence furnished to him under section 59 in order to determine whether such evidence indicates compliance with the applicable requirements of the trust indenture.

3. The trustee shall be required to give to the holders of debt obligations issued under the trust indenture, within thirty days after the trustee becomes aware of the occurrence thereof, notice of every event of default arising under the trust indenture and continuing at the time the notice is given, unless the trustee in good faith determines that the withholding of such notice is in the best interests of the holders of the debt obligations and so advises the issuer in writing

(2) A person shall not be appointed a trustee under a trust indenture if a material conflict of interest exists in the trustee's role as a fiduciary thereunder at the time of the execution and delivery of the said trust indenture but if, notwithstanding the provisions of this section, such a material conflict of interest exists, the validity and enforceability of the said trust indenture, the security created thereby and thereunder and the securities issued thereunder shall not be affected in any manner whatsoever by reason only that such material conflict of interest exists but such trustee shall, within ninety days after ascertaining that he has such material conflict of interest, either eliminate such material conflict of interest or resign from office, and where a material conflict of interest arises subsequently to the appointment of the trustee under a trust indenture, he shall, within ninety days after ascertaining that he has such material conflict of interest, either eliminate such material conflict of interest or resign from office. *New.*

**59.**—(1) The issuer or guarantor of debt obligations issued under the trust indenture shall furnish to the trustee evidence of compliance with every covenant, condition or other requirement specified in the trust indenture to be furnished to the trustee or required by the trustee to be furnished to him in the exercise of his rights and duties under the trust indenture relating to,

- (a) the certification and delivery of debt obligations under the trust indenture;
- (b) the release or release and substitution of property subject to any mortgage, charge, lien or other encumbrance created by the trust indenture;
- (c) the satisfaction and discharge of the trust indenture;
- (d) the issuing of additional debt obligations thereunder; and

(e)

- (e) any other action or step required or permitted to be taken by the issuer, guarantor or trustee under the trust indenture or as a result of any obligation imposed by the trust indenture.

Idem

(2) Evidence of compliance referred to in clauses *a*, *b*, *c* and *d* of subsection 1 shall consist of,

- (a) statutory declarations made by officers of the issuer or guarantor authorized by the trust indenture stating that the covenant, condition or other requirement has been complied with in accordance with the terms of the trust indenture;
- (b) an opinion of a solicitor that the covenant, condition or other requirement has been complied with in accordance with the terms of the trust indenture; and
- (c) in the case of a covenant, condition or other requirement compliance with which is subject to the review or examination by auditors or accountants, an opinion or report of the auditor of the issuer or guarantor or any accountant licensed under *The Public Accountancy Act*, in each case approved by the trustee, as to the accuracy or reliability of the statements required to be reviewed or examined and whether or not the statements have been made in accordance with the terms of the trust indenture.

R.S.O. 1960,  
c. 317

Idem

(3) Evidence of compliance referred to in clause *e* of subsection 1, where it arises under a covenant, condition or other requirement of the trust indenture shall be in accordance with the report or opinion of any solicitor, auditor, accountant, engineer or appraiser or any other person whose qualifications give authority to a statement made by him in accordance with the trust indenture, but if such report or opinion is provided by a director, officer or employee of the issuer or guarantor it shall be in the form of a statutory declaration.

Idem

(4) Evidence of compliance referred to in clause *e* of subsection 1, where it is required by the trustee to be furnished to him in the exercise of his rights and duties under the trust indenture, shall be, so far as appropriate, in accordance with subsections 2 and 3.

Idem

(5) The evidence required under subsections 2, 3 and 4 shall include,

(a)

- (a) a statement by the person giving the evidence that he has read and is familiar with the provisions of the trust indenture under which it is required;
- (b) a brief statement of the nature and scope of the examination or investigation upon which the statements or opinions contained in the evidence are based;
- (c) a statement that, in the belief of the person giving the evidence, he has made such examination or investigation as is necessary to enable him to express an opinion whether the provisions of the trust indenture under which it is required have been complied with or satisfied; and
- (d) a statement whether in the opinion of such person the provisions of the trust indenture have been complied with or satisfied.

(6) The issuer or guarantor of debt obligations under the trust indenture shall furnish the trustee annually, and at any other time if the trustee so requires, a certificate that the issuer or guarantor has complied with all covenants, conditions or other requirements contained in the trust indenture that would, with the elapse of time or otherwise, constitute an event of default thereunder. Certificate of issuer or guarantor

(7) Nothing in this section prevents the inclusion in a trust indenture of provisions requiring evidence of compliance with covenants, conditions or other requirements in addition to those specified in this section. *New.* Additional provisions

**60.** Except as provided in paragraphs 1 and 2 of subsection 1 of section 58, a trust indenture to which section 58 applies shall not contain any provision relieving the trustee from liability arising thereunder and any such provision that is contained in a trust indenture is ineffective. *New.* Exculpatory clauses

**61.** A trustee under a trust indenture to which section 58 applies and any related person to such trustee shall not be appointed a receiver or receiver and manager or liquidator of the assets or undertaking of the issuer or guarantor of the debt obligations under the trust indenture. *New.* Trustees under trust indentures not to be appointed receivers, etc.

**62.** Sections 58, 59 and 60 apply to any trust indenture entered into after those sections come into force, or entered into before those sections come into force and under which debt obligations are outstanding or may be issued when those sections come into force. *New.* Application of sections 58-60

## INVESTMENT SECURITIES

*General*Interpre-  
tation**63.**—(1) In this section and in sections 64 to 97,

- (a) “adverse claim” includes a claim that a transfer is or would be unauthorized or wrongful or that a particular adverse person is the owner of or has an interest in the security;
- (b) “appropriate person”, when used to refer to a person endorsing a security, means,
  - (i) the person specified by the security or by special endorsement to be entitled to the security,
  - (ii) where the person so specified is described as a trustee or other fiduciary but is no longer serving in that capacity and notwithstanding that a successor has been appointed or qualified,
    - a. where only one person is so described, that person or his successor, or
    - b. where more than one person is so described, the remaining persons,
  - (iii) where the person so specified is an individual and is without capacity to act by virtue of death, incompetence, infancy or otherwise, his executor, administrator, committee, guardian or like fiduciary,
  - (iv) where the security or endorsement specified more than one person as joint tenants or with right of survivorship and by reason of death all cannot sign, the survivor or survivors,
  - (v) a person having the power to sign under the applicable law or controlling instrument, or
  - (vi) to the extent any of the foregoing persons may act through an agent, his authorized agent;
- (c) “bearer form” when applied to a security means a security that runs to bearer according to its terms and not by reason of any endorsement;

(d)

- (d) "broker" means a person engaged for all or part of his time in the business of buying and selling securities, who holds registration as a broker or in a similar capacity under *The Securities Act, 1966*, or <sup>1966, c. 142</sup> who is recognized for the purpose of sections 64 to 97 by the Commission as a broker, and who in the transaction concerned acts for or buys a security from or sells a security to a customer;
- (e) "clearing corporation" means a body corporate recognized as a clearing corporation by the Commission;
- (f) "custodian" means a bank to which the *Bank Act* <sup>1966-67, c. 87 (Can.)</sup> (Canada) applies, a trust company registered under *The Loan and Trust Corporations Act* or such other <sup>R.S.O. 1960 c. 222</sup> body corporate as may be recognized by the Commission as a custodian and which is acting as custodian for a clearing corporation;
- (g) "proper form" means regular on its face with regard to all formal matters;
- (h) "registered form" when applied to a security means a security that is not in bearer form and that specifies a person entitled to the security or the rights it evidences;
- (i) "security" means a security as defined in section 1 and includes a warrant.

(2) Sections 64 to 97 do not apply to a promissory note or bill of exchange to which the *Bills of Exchange Act* (Canada) <sup>Application of ss. 64-97 R.S.C. 1952, c. 15 (Can.)</sup> applies. *New.*

**64.** A lien upon a security in favour of an issuer thereof <sup>Issuer's liens</sup> is valid against a purchaser only if the right of the issuer to such lien is noted conspicuously on the security. *New.*

**65.—(1)** In this section, "overissue" means the issue of <sup>Overissue</sup> securities in excess of the amount which the issuer has corporate power to issue.

(2) The provisions of this Act that validate a security or <sup>Idem</sup> compel its issue or reissue do not apply to the extent that validation, issue or reissue would result in overissue, but,

- (a) if an identical security that does not constitute an overissue is reasonably available for purchase, the person entitled to issue or validation may compel the

issuer

issuer to purchase and deliver such a security to him against surrender of the security, if any, that he holds; or

- (b) if a security is not so available for purchase, the person entitled to issue or validation may recover from the issuer the price he or the last purchaser for value paid for it with interest from the date of his demand. *New.*

## Evidence

**66.** In any action on a security,

- (a) unless specifically denied in the pleadings, each signature on the security or in a necessary endorsement is admitted;
- (b) where the effectiveness of a signature is put in issue, the burden of establishing its effectiveness is on the party claiming under the signature, but the signature is *prima facie* proof that it is genuine and authorized;
- (c) where signatures are admitted or established, production of the instrument entitles a holder to recover on it unless the defendant establishes a defence or a defect going to the validity of the security; and
- (d) after it is shown that a defence or defect exists the plaintiff has the burden of establishing that he or some person under whom he claims is a person against whom the defence or defect is ineffective. *New.*

Selection  
of laws

**67.**—(1) The validity of a security and the rights and duties with respect to registration of transfer of an issuer that is a corporation or a body corporate incorporated under the laws of Ontario are governed by this Act and the laws of Ontario.

## Idem

(2) The validity of a security and the rights and duties with respect to registration of transfer of an issuer that is a body corporate other than a corporation or a body corporate under the laws of Ontario, are governed by the law, including the conflict of law rules, of the jurisdiction in which the body corporate was incorporated. *New.*

Form of  
transfer

**68.**—(1) Unless otherwise agreed and subject to any applicable law or regulation respecting short sales, a person obligated to deliver securities may deliver any security of the specified issue in bearer form or registered in the name of the transferee or endorsed to him in blank or to bearer.

(2) Where the buyer fails to pay the price as it comes due <sup>Default in payment</sup> under a contract of sale, the seller may recover the price,

- (a) of any security accepted by the buyer; and
- (b) if a security is not accepted by the buyer and its resale would be unduly burdensome or there is no readily available market. *New.*

*Rights and Liabilities of Issuer,  
Registrar and Transfer Agent*

**69.**—(1) The obligations and defences of an issuer apply <sup>Issuer</sup> to a body corporate that,

- (a) places or authorizes the placing of its name on a security, otherwise than as an authenticating trustee, registrar or transfer agent, to evidence that it represents a share, participation or other interest in its property or in an enterprise or to evidence its duty to perform an obligation evidenced by the security;
- (b) directly or indirectly creates fractional interests in its rights or property which fractional interests are evidenced by securities; or
- (c) becomes responsible for or in place of any other person described as an issuer in this section.

(2) The obligations and defences of an issuer apply to a <sup>Guarantor</sup> guarantor of a security to the extent of his guaranty whether or not his obligation is noted on the security.

(3) The person on whose behalf a register of transfers is <sup>Person maintaining transfer books</sup> maintained is an issuer for the purposes of the registration of a transfer under sections 92 to 95. *New.*

**70.**—(1) A purchaser for value shall be deemed to have <sup>Notice of terms of security</sup> notice of the terms of a security including those stated on the security and those made part of the security by reference to another instrument, indenture or document or to a statute, ordinance, rule, regulation, order or other written law to the extent that the terms so referred to do not conflict with the stated terms, except that he shall be deemed not to have such notice of a defect going to the validity of the security even though the security expressly states that a person accepting it admits such notice.

(2) Except as otherwise provided in the case of certain <sup>Defence of issuer</sup> unauthorized signatures on issue, lack of genuineness of a security is a complete defence even against a purchaser for value and without notice.

Idem

(3) All other defences of the issuer including non-delivery and conditional delivery of the security are ineffective against a purchaser for value who has taken without notice of the particular defence.

Idem

(4) Nothing in this section shall be construed to affect the right of a party to a "when, as and if issued" or a "when distributed" contract to cancel the contract in the event of a material change in the character of the security that is the subject of the contract or in the plan or arrangement under which such security is to be issued or distributed. *New.*

Notice of defect

**71.**—(1) After an act or event that creates a right to immediate performance of the principal obligation evidenced by the security or that sets a date on or after which the security is to be presented or surrendered for redemption or exchange, a purchaser is charged with notice of any defect in its issue or any defence of the issuer,

(a) if the act or event is one requiring the payment of money or the delivery of securities or both on presentation or surrender of the security and such funds or securities are available on the date set for payment or exchange and he takes the security more than one year after that date; and

(b) if the act or event is not one to which clause *a* applies and he takes the security more than two years after the date set for surrender or presentation or the date on which such performance became due.

Revoked call for redemption excepted

(2) Subsection 1 does not apply to a call for redemption that has been revoked. *New.*

Restriction on transfer

**72.**—(1) Unless noted conspicuously on the security, a restriction on transfer imposed by the issuer even though otherwise lawful is ineffective except against a person with actual knowledge of it.

Exception for securities of former private companies  
R.S.O. 1960, c. 71

(2) Where a corporation was incorporated as a private company under *The Corporations Act*, or any predecessor thereof, before this Act comes into force, the words "private company" appearing conspicuously on the face of its securities issued before this section comes into force shall be deemed to be notice of its restriction on the transfer of the securities for the purposes of subsection 1. *New.*

Unauthenticated signatures on issue

**73.** An unauthorized signature placed on a security prior to or in the course of issue is ineffective except that the signature is effective in favour of a purchaser for value and

without

without notice of the lack of authority if the signing has been done by,

- (a) an authenticating trustee, registrar, transfer agent or other person entrusted by the issuer with the signing of the security or of similar securities or their immediate preparation for signing; or
- (b) an employee of the issuer, entrusted with responsibility for handling of the security. *New.*

**74.**—(1) Where a security contains the signatures necessary to its issue or transfer but is incomplete in any other respect, Completion of blanks

- (a) any person may complete it by filling in the blanks as authorized; and
- (b) even though the blanks are incorrectly filled in, the security as completed is enforceable by a purchaser who took it for value and without notice of such incorrectness.

(2) A complete security that has been improperly altered, Improper alteration even though fraudulently, remains enforceable but only according to its original terms. *New.*

**75.**—(1) Subject to sections 106 and 112, the issuer or the indenture trustee may treat the registered holder as the person entitled to receive notice of and to vote at meetings of the security holders and to receive any payment in respect of the security and otherwise to exercise all the rights and powers of an owner. R.S.O. 1960, c. 71, s. 47 (2), *amended*. Effect of registration

(2) Nothing in sections 64 to 97 shall be construed to affect Idem the liability of the registered owner of a security for calls, assessments or similar liabilities. *New.*

**76.**—(1) A body corporate placing its signature upon a security as authenticating trustee, registrar or transfer agent warrants to a purchaser for value without notice of the particular defect that, Warranties on issue

- (a) the security is genuine and in proper form;
- (b) its own participation in the issue of the security is within its capacity and within the scope of the authorization received by it from the issuer; and
- (c) it has reasonable grounds to believe that the security is in the form and within the amount the issuer is authorized to issue.

Idem

(2) Unless otherwise agreed, a person by so placing his signature does not assume responsibility for the validity of the security in other respects. *New.*

*Rights and Liabilities of Purchaser and Seller*

Rights  
acquired by  
purchasers

**77.**—(1) Upon delivery of a security, the purchaser acquires the rights in the security that his transferor had or had actual authority to convey except that a purchaser who has himself been a party to any fraud or illegality affecting the security or who as a prior holder had notice of an adverse claim cannot improve his position by taking from a later purchaser for value in good faith who was without notice of any adverse claim.

*bona fide*  
purchaser

(2) A purchaser for value in good faith and without notice of any adverse claim in addition to acquiring the rights of a purchaser also acquires the security free of any adverse claim.

Limited  
interest

(3) A purchaser of a limited interest acquires rights only to the extent of the interest purchased. *New.*

Notice of  
adverse  
claims

**78.**—(1) A purchaser, including a broker for the seller or buyer, of a security is charged with notice of adverse claims if,

- (a) the security whether in bearer or registered form has been endorsed "for collection" or "for surrender" or for some other purpose not involving transfer; or
- (b) the security is in bearer form and has on it an unambiguous statement that it is the property of a person other than the transferor, but the mere writing of a name on a security shall not be deemed such a statement.

Idem

(2) The fact that the purchaser, including a broker for the seller or the buyer, has notice that the security is held for a third person or is registered in the name of or endorsed by a fiduciary does not create a duty of inquiry into the rightfulness of the transfer or constitute notice of adverse claims, but if the purchaser has knowledge that the proceeds are being used or that the transaction is for the individual benefit of the fiduciary or otherwise in breach of duty, the purchaser is charged with notice of adverse claims.

Idem

(3) An act or event that creates a right to immediate performance of the principal obligation evidenced by the security or that sets a date on or after which the security is to be presented or surrendered for redemption or exchange does not of itself constitute any notice of adverse claims except in the case of a purchase,

(a)

- (a) after one year from any date set for such presentment or surrender for redemption or exchange; or
- (b) after six months from any date set for payment of money against presentation or surrender of the security if funds are available for payment on that date. *New.*

**79.**—(1) A person who presents a security for registration of transfer or for payment or exchange warrants to the issuer that he is entitled to the registration, payment or exchange, but a purchaser for value without notice of adverse claims who receives a new, reissued or reregistered security on registration of transfer warrants only that he has no knowledge of any unauthorized signature in a necessary endorsement. <sup>Warranties on presentment</sup>

(2) A person by transferring a security to a purchaser for value warrants only that, <sup>Warranties on transfer</sup>

- (a) his transfer is effective and rightful;
- (b) the security is genuine and has not been materially altered; and
- (c) he knows no fact that might impair the validity of the security.

(3) Where a security is delivered by an intermediary known by the transferee to be entrusted with delivery of the security on behalf of another or with collection of a draft or other claim against such delivery, the intermediary by such delivery warrants only his own good faith and authority even though he has purchased or made advances against the claim to be collected against the delivery, but a broker is not an intermediary within the meaning of this subsection. <sup>Warranties of intermediary</sup>

(4) A pledgee or other holder for security who redelivers the security received, or after payment and on order of the debtor delivers that security to a third person, makes only the warranties of an intermediary under subsection 3. <sup>Warranties of pledgee</sup>

(5) A broker gives to his customer and to the issuer and a purchaser the warranties provided in this section and has the rights and privileges of a purchaser under this section and the warranties of and in favour of the broker acting as an agent are in addition to applicable warranties given by and in favour of his customer. *New.* <sup>Warranties of broker</sup>

Absence of  
endorsement

**80.** Where a security in registered form has been delivered to a purchaser without a necessary endorsement, he may become a purchaser for value in good faith and without notice of any adverse claim only as of the time the endorsement is supplied, but against the transferor the transfer is complete upon delivery and the purchaser has a specifically enforceable right to have any necessary endorsement supplied. *New.*

Endorse-  
ment

**81.**—(1) An endorsement of a security in registered form is made when an appropriate person signs on it or on a separate document an assignment or transfer of the security or a power to assign or transfer it or when the signature of such person is written without more upon the back of the security.

Idem

(2) An endorsement of a security may be,

(a) in blank, including to bearer; or

(b) a special endorsement, specifying the person to whom the security is to be transferred or who has the power to transfer it,

and a holder may convert an endorsement in blank into a special endorsement.

Obligations  
of endorser

(3) Unless otherwise agreed, the endorser by his endorsement assumes no obligation that the security will be honoured by the issuer.

Partial  
endorsement

(4) An endorsement purporting to be only of part of a security representing units intended by the issuer to be separately transferable is effective to the extent of the endorsement.

Appropriate  
person

(5) Whether the person signing is appropriate shall be determined as of the date of signing and an endorsement by such person does not become unauthorized for the purposes of this Act by virtue of any subsequent change of circumstances.

Improper  
endorsement  
by fiduciary

(6) Failure of a fiduciary to comply with a controlling instrument or with the law applicable to the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of the transfer, does not render his endorsement unauthorized for the purposes of this Act. *New.*

Delivery  
necessary

**82.** An endorsement of a security whether special or in blank does not constitute a transfer until delivery of the security on which it appears, or if the endorsement is on a separate document until the delivery of both the document and the security. *New.*

**83.** Unless the owner has ratified an unauthorized endorsement or is otherwise precluded from asserting its ineffectiveness, Effect of unauthorized endorsement

- (a) he may assert its ineffectiveness against the issuer or any purchaser other than a purchaser for value and without notice of adverse claims who has in good faith received a new, reissued or reregistered security on registration of transfer; and
- (b) an issuer who registers the transfer of a security upon the unauthorized endorsement is subject to liability for improper registration. *New.*

**84.**—(1) Any person guaranteeing a signature of an endorser of a security warrants that at the time of signing, Guarantee of signature

- (a) the signature was genuine;
- (b) the signer was an appropriate person to endorse; and
- (c) the signer had legal capacity to sign,

but the guarantor does not otherwise warrant the rightfulness of the particular transfer.

(2) Any person may guarantee an endorsement of a security and by so doing warrants not only the signature but also the rightfulness of the particular transfer in all respects. Guarantee of endorsement

(3) No issuer may require a guarantee of endorsement as a condition to registration of transfer. Idem

(4) The warranties referred to in subsections 1 and 2 are made to any person taking or dealing with the security in reliance on the guarantee and the guarantor is liable to such person for any loss resulting from breach of the warranties. *New.* Liability of guarantor

**85.**—(1) Delivery to a purchaser occurs when, What constitutes delivery

- (a) he or a person designated by him acquires possession of a security;
- (b) his broker acquires possession of a security specially endorsed or issued in the name of the purchaser;
- (c) his broker sends him confirmation of the purchase and also by book entry or otherwise identifies a specific security in the broker's possession as belonging to the purchaser;

(d)

(d) with respect to an identified security to be delivered while still in the possession of a third person when that person acknowledges that he holds for the purchaser; or

(e) appropriate entries in the records of a clearing corporation are made under section 91.

*Idem*

(2) The purchaser is the owner of a security held for him by his broker, but is not the holder except as specified in clauses *b*, *c* and *e* of subsection 1, but where a security is part of a fungible bulk the purchaser is the owner of a proportionate property interest in the fungible bulk.

Notice of  
adverse  
claim  
after  
delivery

(3) Notice of an adverse claim received by the broker or by the purchaser after the broker takes delivery as a holder for value is not effective either as to the broker or as to the purchaser, but as between the broker and the purchaser, the purchaser may demand delivery of an equivalent security as to which no notice of an adverse claim has been received.  
*New.*

Duty of  
seller to  
deliver

**86.**—(1) Unless otherwise agreed where a sale of a security is made on a stock exchange recognized for the purposes of sections 64 to 97 by the Commission or otherwise through brokers,

(a) the selling customer fulfills his duty to deliver when he places such a security in the possession of the selling broker or of a person designated by the broker or, if requested, causes an acknowledgment to be made to the selling broker that it is held for him; and

(b) the selling broker including a correspondent broker acting for a selling customer fulfills his duty to deliver by placing the security or a like security in the possession of the buying broker or a person designated by him or by effecting clearance of the sale in accordance with the rules of the recognized stock exchange on which the transaction took place.

*Idem*

(2) Except as otherwise provided in this section and unless otherwise agreed, a transferor's duty to deliver a security under a contract of purchase is not fulfilled until he places the security in form to be negotiated by the purchaser in the possession of the purchaser or of a person designated by him or at the purchaser's request causes an acknowledgment to be made to the purchaser that it is held for him.

(3) Subsection 2 applies to a sale to a broker purchasing <sup>Idem</sup> on his own account unless the sale is made on a recognized stock exchange. *New.*

**87.**—(1) Any person against whom the transfer of a <sup>Action for wrongful transfer</sup> security is wrongful for any reason, including his incapacity, may against anyone else except a purchaser for value in good faith and without notice of any adverse claim reclaim possession of the security or obtain possession of any new security evidencing all or part of the same rights or have damages.

(2) If the transfer is wrongful because of an unauthorized <sup>Idem</sup> endorsement the owner may also reclaim or obtain possession of the security even from a purchaser for value in good faith and without notice of any adverse claim if the ineffectiveness of the purported endorsement can be asserted against him under the provisions of this Act relating to unauthorized endorsements.

(3) The right to obtain or reclaim possession of a security <sup>Specific performance and injunction</sup> may be specially enforced by specific performance or its transfer enjoined. *New.*

**88.**—(1) Unless otherwise agreed, the transferor shall on due demand supply his purchaser with any proof of his author- <sup>Transferor's duty to provide requisites for registration of transfer</sup> ity to transfer or with any other requisite that may be necessary to obtain registration of the transfer of the security, but if the transfer is not for value a transferor need not do so unless the purchaser furnishes the necessary expenses.

(2) Failure to comply with a demand made under subsection 1 within a reasonable time gives the purchaser the right <sup>Effect of failure</sup> to reject or rescind the transfer. *New.*

**89.** An agent or bailee who in good faith, including obser- <sup>Transfer by agent in good faith not conversion</sup> vance of reasonable commercial standards if he is in the business of buying, selling or otherwise dealing with securities, has received securities and sold, pledged or delivered them according to the instructions of his principal is not liable for conversion or for participation in breach of fiduciary duty although the principal has no right to dispose of them. *New.*

**90.** A contract for the sale of securities is not enforceable <sup>Contract for sale</sup> by way of action or defence unless,

- (a) there is some writing signed by the party against whom enforcement is sought or by his authorized agent or broker sufficient to indicate that a contract has been made for sale of a stated quantity of described securities at a defined or stated price;

(b)

- (b) delivery of the security has been accepted or payment has been made, but the contract is enforceable under this provision only to the extent of such delivery or payment;
- (c) within a reasonable time a writing in confirmation of the sale or purchase and sufficient against the sender under clause *a* has been received by the party against whom enforcement is sought and he has failed to send written objection to its contents within a reasonable time after its receipt; or
- (d) the party against whom enforcement is sought admits in his pleading, testimony or otherwise in court that a contract was made for sale of a stated quantity of described securities at a defined or stated price.

Transfer  
through  
clearing  
corporation

**91.—(1) If a security,**

- (a) is in the custody of a clearing corporation or of a custodian or nominee of either, subject to the instructions of the clearing corporation;
- (b) is in bearer form or endorsed in blank by an appropriate person or registered in the name of the clearing corporation or custodian or a nominee of either; and
- (c) is shown on the account of a transferor or pledgor in the records of the clearing corporation,

then, in addition to other methods, a transfer or pledge of the security or any interest therein may be effected by the making of appropriate entries in the records of the clearing corporation, reducing the account of the transferor or pledgor and increasing the account of the transferee or pledgee by the amount of the obligation or the number of shares or rights transferred or pledged.

Interests in  
fungible  
bulk

(2) Under this section entries may be in respect of like securities or interests therein as part of a fungible bulk and may refer merely to a quantity of a particular security without reference to the name of the registered owner, certificate or bond number or the like and, in appropriate cases, may be on a net basis taking into account other transfers or pledges of the same security.

Constructive  
endorsement  
and  
delivery

(3) A transfer or pledge under this section has the effect of a delivery of a security in bearer form or duly endorsed in blank representing the amount of the obligation or the number of shares or rights transferred or pledged.

(4) If a pledge or the creation of a security interest is intended, the making of entries has the effect of a taking of delivery by the pledgee or a secured party. <sup>Idem</sup>

(5) A transferee or pledgee under this section is a holder. <sup>Holder</sup>

(6) A transfer or pledge under this section does not constitute a registration of transfer under sections 92 to 96. <sup>Not registration</sup>

(7) That entries made in the records of the clearing corporation as provided in subsection 1 are not appropriate does not affect the validity or effect of the entries nor the liabilities or obligations of the clearing corporation to any person adversely affected thereby. *New.* <sup>Error in records</sup>

### *Registration*

**92.**—(1) Where a security in registered form is presented to the issuer with a request to register a transfer, the issuer is under a duty to register the transfer as requested if, <sup>Duty of issuer to register transfer</sup>

- (a) the security is endorsed by the appropriate person or persons;
- (b) reasonable assurance is given that those endorsements are genuine and effective;
- (c) the issuer has no notice of an adverse claim;
- (d) any applicable law relating to the collection of taxes has been complied with; and
- (e) the transfer is not contrary to applicable restrictions or is not of a share in respect of which the corporation is entitled to a lien and exercises its right to refuse registration.

(2) Where an issuer is under a duty to register a transfer of a security the issuer is also liable to the person presenting it for registration or his principal for loss resulting from any unreasonable delay in registration or from failure or refusal to register the transfer. *New.* <sup>Liability for undue delay</sup>

**93.**—(1) For the purpose of obtaining reasonable assurance that each necessary endorsement required by section 81 is genuine and effective, the issuer may require a guarantee of the signature of the person endorsing or, where such guarantee is lacking, <sup>Assurances required by issuer</sup>

- (a) where the endorsement is by an agent, appropriate assurance of authority to sign;

(b)

- (b) where the endorsement is by fiduciary, or a successor on whom title or control vests on the death of the holder, appropriate evidence of appointment or incumbency;
- (c) where there is more than one fiduciary or successor, reasonable assurance that all who are required to sign have done so; and
- (d) where the endorsement is by a person not covered by a person mentioned in this section, assurance appropriate to the case equivalent as nearly as may be to those required by this section.

Sufficiency  
of guarantee

(2) A "guarantee of the signature" in subsection 1 means a guarantee signed by or on behalf of a person reasonably believed by the issuer to be responsible, and the issuer may adopt standards with respect to responsibility if such standards are not manifestly unreasonable. *New.*

Appropriate  
evidence of  
appoint-  
ment or  
incumbency

(3) For the purposes of subsection 1, "appropriate evidence of appointment or incumbency" means,

- (a) if the fiduciary or successor claims by virtue of a grant of probate or letters of administration or other instrument issued or purporting to be issued by a court or other judicial authority in any jurisdiction, production of the same or a notarial copy thereof or extract therefrom or a certificate of such grant under the seal of such court or other authority without any proof of the authenticity of such seal or other proof whatever and deposit of a copy thereof;
- (b) if the fiduciary or successor claims by virtue of the laws of any jurisdiction in which any transmission or vesting of title or control takes place without a grant of probate or letters of administration or other court or judicial action, production and deposit of proof thereof in accordance with the laws of such jurisdiction and reasonable evidence of such laws; or
- (c) if the net value of the estate of the deceased holder is less than \$1,500 or if the market value of the shares or securities is less than \$300, proof thereof to the reasonable satisfaction of the issuer,

together with, in any such event, production and deposit by one or more of the fiduciaries or successors of a sworn statement showing the nature of the transmission or vesting of title or control, as the case may be. R.S.O. 1960, c. 71, s. 52, *amended.*

(4) The issuer is not charged with notice of the contents of any document obtained for the purposes of subsection 3 except to the extent that the contents relate directly to the appointment or incumbency. *New.*

**94.**—(1) An issuer to whom a security is presented for registration has notice of an adverse claim if,

- (a) the issuer receives written notice of the adverse claim evidenced by an order or judgment of a court of competent jurisdiction and the notice is received at a time and in a manner that affords the issuer a reasonable opportunity to act on it before the issuance of a new, reissued or reregistered security and the notification identifies the registered owner, the claimant and the issue of which the security is a part, and provides an address for communications directed to the claimant; or
- (b) the issuer is given written notice by the registered owner that the security is lost, apparently destroyed or wrongfully taken.

(2) An issuer shall not be deemed to have notice of an adverse claim otherwise than as provided in subsection 1.

(3) The issuer may register a transfer where he has notice of an adverse claim if he has given notice to both the registered owner and the claimant by registered mail to the address provided by them for the purpose that the security has been presented for registration by a named person and that the transfer will be registered unless prior to the expiration of thirty days from the date of mailing the notification there is filed with the issuer,

- (a) an appropriate restraining order, injunction or other process issued from a court of competent jurisdiction; or
- (b) an indemnity bond sufficient in the issuer's opinion to protect the issuer and any transfer agent, registrar or other agent of the issuer from any loss which it or they may suffer by complying with the adverse claim. *New.*

**95.**—(1) The issuer is not liable to the owner or any other person suffering loss as a result of the registration of a transfer of a security if,

- (a) there were on or with the security the necessary endorsements; and

(b)

- (b) the issuer had not notice of adverse claims or, having had notice thereof, proceeded to register the transfer in accordance with subsection 3 of section 94.

Idem

(2) Where an issuer has registered a transfer of a security to a person not entitled to it, the issuer on demand shall deliver a like security to the true owner unless,

- (a) the registration was pursuant to subsection 1;
- (b) the owner is precluded from asserting any claim for registering the transfer under subsection 1 of section 96; or
- (c) such delivery would result in overissue, in which case the issuer's liability is governed by section 65. *New.*

Lost, etc.,  
securities

**96.**—(1) Where a security has been lost, apparently destroyed or wrongfully taken and the owner fails to notify the issuer of that fact in writing before the issuer registers a transfer of the security, the owner is precluded from asserting against the issuer any claim for registering the transfer under section 95 or any claim to a new security under this section.

Replacing  
lost, etc.,  
securities

(2) Where the owner of a security claims that the security has been lost, apparently destroyed or wrongfully taken, the issuer shall issue a new security in place of the original security if the owner,

- (a) so requests before the issuer has notice that the security has been acquired by a purchaser for value without notice of an adverse claim;
- (b) files with the issuer an indemnity bond sufficient in the issuer's opinion to protect the issuer and any transfer agent, registrar or other agent of the issuer from any loss that it or they may suffer by complying with the request to issue a new security; and
- (c) satisfies any other reasonable requirements imposed by the issuer.

Rights of  
*bona fide*  
purchaser

(3) If, after the issue of the new security, a purchaser for value without notice of an adverse claim of the original security presents it for registration of transfer, the issuer shall register the transfer unless registration would result in overissue in which event the issuer's liability is governed by section 65.

Rights of  
issuer

(4) In addition to any rights on the indemnity bond, the issuer may recover the new security from the person to whom

it was issued or any person taking under him except a purchaser for value without notice of an adverse claim. *New.*

**97.—**(1) A person who acts as authenticating trustee, transfer agent, registrar or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities is under a duty to exercise good faith and due diligence in performing his functions. <sup>Duty of agents for issuer</sup>

(2) Notice to an authenticating trustee, transfer agent, registrar or other such agent is notice to the issuer with respect to the functions performed by the agent. <sup>Notice to agents for issuer</sup> *New.*

#### SHAREHOLDERS

##### *Rights*

**98.—**(1) Where a person is shown on the records of a corporation as holding a share as a personal representative, the receipt by such person is a valid and binding discharge to the corporation for any payment made in respect of the share whether notice of any trust has been given to the corporation or not, and the corporation is not bound to see to the application of the money paid to him. R.S.O. 1960, c. 71, s. 47 (2, 3), *amended.* <sup>Dealings by corporation with personal representatives</sup>

(2) Where shares are purchased by a corporation under subsection 1 of section 39 or subsection 2 of section 100 or accepted by a corporation under subsection 3 of section 38 or section 43 and are not thereby cancelled, no person is entitled to receive notice of or to vote at meetings of shareholders or to receive any payment in respect of the shares whether by way of dividend or otherwise until such shares are resold. <sup>Corporation not a shareholder of own shares</sup> *New.*

**99.—**(1) Subject to subsection 2, a shareholder of a corporation may maintain an action in a representative capacity for himself and all other shareholders of the corporation suing for and on behalf of the corporation to enforce any right, duty or obligation owed to the corporation under this Act or under any other statute or rule of law or equity that could be enforced by the corporation itself, or to obtain damages for any breach of any such right, duty or obligation. <sup>Representative actions on behalf of corporation</sup>

(2) An action under subsection 1 shall not be commenced until the shareholder has obtained an order of the court permitting the shareholder to commence the action. <sup>Leave</sup>

(3) A shareholder may, upon at least seven days notice to the corporation, apply to the court for an order referred to in subsection 2, and, if the court is satisfied that, <sup>Application for order to commence action</sup>

- (a) the shareholder was a shareholder of the corporation at the time of the transaction or other event giving rise to the cause of action;
- (b) the shareholder has made reasonable efforts to cause the corporation to commence or prosecute diligently the action on its own behalf; and
- (c) the shareholder is acting in good faith and it is *prima facie* in the interests of the corporation or its shareholders that the action be commenced,

the court may make the order upon such terms as the court thinks fit, except that the order shall not require the shareholder to give security for costs.

Application  
for order  
for interim  
costs

(4) At any time or from time to time while an action commenced under this section is pending, the plaintiff may apply to the court for an order for the payment to the plaintiff by the corporation of reasonable interim costs, including solicitor's and counsel fees and disbursements, for which interim costs the plaintiff shall be accountable to the corporation if the action is dismissed with costs on final disposition at the trial or on appeal.

Trial and  
judgment

(5) An action commenced under this section shall be tried by the court and its judgment or order in the cause, unless the action is dismissed with costs, may include a provision that the reasonable costs of the action are payable to the plaintiff by the corporation or other defendants taxed as between a solicitor and his own client.

Discon-  
tinuance  
and  
settlement

(6) An action commenced under this section shall not be discontinued, settled or dismissed for want of prosecution without the approval of the court and, if the court determines that the interests of the shareholders or any class thereof may be substantially affected by such discontinuance, settlement or dismissal, the court, in its discretion, may direct that notice in manner, form and content satisfactory to the court shall be given, at the expense of the corporation or any other party to the action as the court directs, to the shareholders or class thereof whose interests the court determines will be so affected.

*New.*

Rights of  
dissenting  
shareholders

**100.**—(1) If, at a meeting of shareholders or of any class of shareholders of a corporation that is not offering its shares to the public,

- (a) a resolution passed by the directors authorizing the sale, lease, exchange or other disposition of the undertaking of the corporation or any part thereof as an

entirety

entirety or substantially as an entirety is confirmed with or without variation by the shareholders;

- (b) a resolution passed by the directors authorizing an amendment to the articles to delete therefrom a provision restricting the transfer of the shares of the corporation or of any class thereof is confirmed with or without variation by the shareholders; or
- (c) a resolution approving an agreement for the amalgamation of the corporation with one or more other corporations is confirmed by the shareholders,

any shareholder who has voted against the confirmation of the resolution may within ten days after the date of the meeting give notice in writing to the corporation requiring it to purchase his shares.

(2) Within ninety days from the date of the completion of the sale or disposition or the issue of the certificate of amendment or amalgamation, as the case may be, the corporation, or amalgamated corporation, as the case may be, shall purchase the shares of every shareholder who has given notice under subsection 1, and every such shareholder shall sell his shares to the corporation. Corporation bound to purchase shares

(3) The corporation shall not purchase any shares under subsection 2 if it is insolvent or if the purchase would render it insolvent. Saving

(4) The price and terms of the purchase of such shares shall be as may be agreed upon by the corporation and the dissenting shareholder, but, if they fail to agree, the price and terms shall be as determined by the court on the application of the dissenting shareholder. Price of shares

(5) Any shares purchased under subsection 2 shall not be cancelled by reason only of such purchase and the board of directors may resell the shares at such time and price and on such terms as it determines, in which case the amount received from the sale shall form part of the surplus of the corporation. Sale of shares

(6) If the sale or disposition is not completed or the certificate of amendment or amalgamation is not issued, the rights of the dissenting shareholder under this section cease and the corporation shall not purchase the shares of such shareholder under this section. R.S.O. 1960, c. 71, s. 99, *amended*. Where sale not completed

Requisition  
for by-law  
or  
resolution

**101.**—(1) The persons holding equity shares carrying at least 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding may requisition the directors to call a meeting of the directors for the purpose of passing any by-law or resolution that may properly be passed at a meeting of the directors duly called, constituted and held for that purpose.

Form of  
requisition

(2) The requisition shall set out the by-law or resolution, as the case may be, that is required to be passed at the meeting and shall be signed by the requisitionists and deposited at the head office of the corporation, and may consist of several documents in like form, each signed by one or more requisitionists.

Meeting of  
directors

(3) Upon deposit of the requisition, the directors shall forthwith call a meeting of the directors for the purpose of passing the by-law or resolution, as the case may be, set out in the requisition.

Meeting of  
shareholders

(4) Where the directors do not within twenty-one days from the date of the deposit of the requisition,

(a) call and hold such a meeting and pass such a by-law or resolution; and

(b) if the by-law or resolution requires confirmation at a general meeting of the shareholders, call a general meeting of the shareholders for the purpose of confirming the by-law or resolution,

any of the requisitionists may call a general meeting of the shareholders for the purpose of passing such by-law or resolution, and the meeting shall be held within sixty days from the date of the deposit of the requisition.

Notice

(5) A meeting of the shareholders called under subsection 4 shall be called as nearly as possible in the same manner as meetings of shareholders are called under the by-laws, but, if the by-laws provide for more than twenty-one days notice of meetings, twenty-one days notice is sufficient for the calling of the meeting.

Validity of  
by-law or  
resolution

(6) Where a by-law or resolution is passed at a meeting of the shareholders called under subsection 4, either as set out in the requisition or as varied at the meeting, it is as valid and effective as if it had been passed at a meeting of the directors duly called, constituted and held for that purpose and confirmed at a meeting of the shareholders duly called, constituted and held for that purpose, and, if the resolution or by-law is passed by at least two-thirds of the votes cast at the meeting of the shareholders called under

subsection

subsection 4, it shall be conclusively deemed to be a special resolution or special by-law, as the case may be, for the purposes of this Act.

(7) The corporation shall,

Repayment  
of expenses

- (a) reimburse the requisitionists for any reasonable expenses incurred by them by reason of the failure of the directors to act in accordance with subsections 3 and 4; and
- (b) retain out of any moneys due or to become due, by way of fees or other remuneration for their services, to such of the directors as were in default, an amount equal to the amount the requisitionists were reimbursed,

unless, at the meeting called under subsection 4, the shareholders, by a majority of the votes cast, reject the reimbursement of the requisitionists.

(8) Where a by-law or resolution in respect of which a meeting is required by requisition under this section is not passed at the meeting, no requisition for a meeting in respect of a similar by-law or resolution shall be made for a period of at least two years. *New.*

New  
requisition  
on same  
subject

**102.**—(1) On the requisition in writing of the persons holding equity shares carrying at least 5 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding, the directors shall,

Circulation  
of share-  
holders'  
resolutions  
etc.

- (a) give to the shareholders entitled to notice of the next meeting of shareholders notice of any resolution that may properly be moved and is intended to be moved at that meeting; or
- (b) circulate to the shareholders entitled to vote at the next meeting of shareholders a statement of not more than 1,000 words with respect to the matter referred to in any proposed resolution or with respect to the business to be dealt with at that meeting.

(2) The notice or statement or both, as the case may be, shall be given or circulated by sending a copy thereof to each shareholder entitled thereto in the same manner and at the same time as that prescribed by this Act, the articles or the by-laws, for the sending of notice of meetings of shareholders.

Notice

(3) Where it is not practicable to send the notice or statement or both at the same time as the notice of the meeting is sent, the notice or statement or both shall be sent as soon as practicable thereafter.

Idem

Deposit of  
requisition,  
etc.

(4) The directors are not bound under this section to give notice of any resolution or to circulate any statement unless,

(a) the requisition, signed by the requisitionists, is deposited at the head office of the corporation,

(i) in the case of a requisition requiring notice of a resolution to be given, not less than twenty-one days before the meeting where the corporation is offering its securities to the public and not less than ten days before the meeting where the corporation is not offering its securities to the public,

(ii) in the case of a requisition requiring a statement to be circulated, not less than fourteen days before the meeting where the corporation is offering its securities to the public and not less than seven days before the meeting where the corporation is not offering its securities to the public; and

(b) there is deposited with the requisition a sum reasonably sufficient to meet the expenses of the corporation in giving effect thereto.

Where  
directors  
not bound  
to circulate  
statement

(5) The directors are not bound under this section to circulate any statement if, on the application of the corporation or any other person who claims to be aggrieved, the court is satisfied that the rights conferred by this section are being abused to secure needless publicity for defamatory matter, and on any such application the court may order the costs of the corporation to be paid in whole or in part by the requisitionists notwithstanding that they are not parties to the application.

Where no  
liability

(6) No corporation or a director, officer or employee thereof or person acting on its behalf, except a requisitionist, is liable in damages or otherwise by reason only of the giving of a notice or the circulation of a statement, or both, in compliance with this section.

Duty to  
deal with  
requisitioned  
matter

(7) Notwithstanding anything in the by-laws of the corporation, where the requisitionists have complied with this section, the resolution, if any, mentioned in the requisition shall be dealt with at the meeting to which the requisition relates.

Repayment  
of expenses

(8) The corporation shall pay to the requisitionists the sum deposited under clause *b* of subsection 4 unless at the meeting to which the requisition relates the shareholders by a majority of the votes cast reject the repayment to the requisitionists. R.S.O. 1960, c. 71, s. 309 (1-8), *amended*.

### *Liabilities*

**103.**—(1) Where the issued capital of a corporation is decreased by an amendment to the articles, each person who was a shareholder on the effective date of the amendment is individually liable to the creditors of the corporation for the debts due on that date to an amount not exceeding the amount of the repayment to him. Liability on decrease of issued capital

(2) A person is not liable under subsection 1 unless, Limitation of liability

(a) the corporation has been sued for the debt within six months after the effective date of the amendment and execution has been returned unsatisfied in whole or in part; and

(b) he is sued for the debt in a court of competent jurisdiction within two years from the effective date of the amendment.

(3) After execution has been so returned, the amount due on the execution, not exceeding the amount of the repayment to the person, is the amount recoverable against such person. Idem

(4) Where it is made to appear that there are numerous shareholders who may be liable under this section, the court of competent jurisdiction may permit an action to be brought against one or more of them as representatives of the class and, if the plaintiff establishes his claim as creditor, may make an order of reference and add as parties in the referee's office all such shareholders as may be found, and the referee shall determine the amount that each should contribute towards the plaintiff's claim and may direct payment of the sums so determined. Class actions

(5) No person holding shares in the capacity of a personal representative and registered on the records of the corporation as a shareholder and therein described as representing in such capacity a named estate, person or trust is personally liable under this section, but the estate, person or trust is subject to all liabilities imposed by this section. R.S.O. 1960, c. 71, s. 36, *amended*. Shareholder holding shares in fiduciary capacity

**104.** A shareholder of a corporation as such is not answerable or responsible for any act, default, obligation or liability of the corporation, or for any engagement, claim, payment, loss, injury, transaction, matter or thing relating to or connected with the corporation. R.S.O. 1960, c. 71, s. 55 (1), *amended*. Shareholder's liability limited

*Meetings*

Place of  
meetings

**105.**—(1) Subject to subsections 2 and 3, the meetings of the shareholders shall be held at the place where the head office of the corporation is located.

Exception

(2) Where the by-laws of the corporation so provide, the meetings of the shareholders may be held at any place within Ontario.

Idem

(3) Where the articles of the corporation so provide, the meetings of the shareholders may be held at one or more places outside Ontario specified therein. R.S.O. 1960, c. 71, s. 74 (1-3), *amended*.

Share-  
holders'  
meetings

**106.**—(1) Subject to subsection 2 and in the absence of other provisions in that behalf in the articles or by-laws of the corporation,

(a) notice of the time and place for holding a meeting of the shareholders shall be given to each person who is entitled to notice of meetings and who on the record date for notice appears on the records of the corporation as a shareholder by sending the notice by prepaid mail to his latest address as shown on the records of the corporation,

(i) in the case of a corporation that is offering its securities to the public, twenty-one days or more before the date of the meeting, and

(ii) in the case of a corporation that is not offering its securities to the public, ten days or more before the date of the meeting,

but in no case more than fifty days before the date of the meeting;

(b) all questions proposed for the consideration of the shareholders at a meeting of shareholders shall be determined by the majority of the votes cast, and the chairman presiding at the meeting has a second or casting vote in case of an equality of votes;

(c) the chairman presiding at a meeting of shareholders may, with the consent of the meeting and subject to such conditions as the meeting decides, adjourn the meeting from time to time and from place to place;

(d) the president or, in his absence, a vice-president who is a director shall preside as chairman at a meeting of shareholders, but, if there is no president

or such a vice-president or if at a meeting neither of them is present within fifteen minutes after the time appointed for the holding of the meeting, the shareholders present shall choose a person from their number to be the chairman;

- (e) unless a poll is demanded, an entry in the minutes of a meeting of shareholders to the effect that the chairman declared a motion to be carried is admissible in evidence as *prima facie* proof of the fact without proof of the number or proportion of votes recorded in favour of or against the motion.

(2) The articles or by-laws of the corporation shall not <sup>Notice</sup> provide for fewer than,

- (a) twenty-one days notice in the case of a corporation that is offering its securities to the public, or
- (b) ten days notice in the case of a corporation that is not offering its securities to the public,

for meetings of shareholders but in no case shall notice be given more than fifty days before the date of the meeting and the articles or by-laws shall not provide that notice may be given otherwise than individually.

(3) If a poll is demanded, it shall be taken in such manner <sup>Poll</sup> as the by-laws prescribe, and, if the by-laws make no provision therefor, then as the chairman directs. R.S.O. 1960, c. 71, s. 79, *amended*.

**107.** A corporation shall hold an annual meeting of its <sup>Annual meetings</sup> shareholders not later than eighteen months after its incorporation and subsequently not more than fifteen months after the holding of the last preceding annual meeting and at such meeting any shareholder shall have an opportunity to raise any matter relevant to the affairs and business of the corporation. R.S.O. 1960, c. 71, s. 306, *amended*.

**108.** The directors may at any time call a general meeting <sup>General meetings</sup> of the shareholders for the transaction of any business, the general nature of which is specified in the notice calling the meeting. R.S.O. 1960, c. 71, s. 307.

**109.**—(1) The persons holding equity shares carrying at least 5 per cent of the voting rights attached to all equity <sup>Requisition for shareholders' meeting</sup> shares of the corporation for the time being outstanding may requisition the directors to call a general meeting of the shareholders for any purpose that is connected with the affairs of the corporation and that is not inconsistent with this Act.

## Requisition

(2) The requisition shall state the general nature of the business to be presented at the meeting and shall be signed by the requisitionists and deposited at the head office of the corporation and may consist of several documents in like form, each signed by one or more requisitionists.

## Duty of directors to call meeting

(3) Upon deposit of the requisition, the directors shall forthwith call a general meeting of the shareholders for the transaction of the business stated in the requisition.

## Where requisitionists may call meeting

(4) If the directors do not within thirty days from the date of the deposit of the requisition call and hold the meeting, any of the requisitionists may call the meeting, which shall be held within sixty days from the date of the deposit of the requisition.

## Calling of meeting

(5) A meeting called under this section shall be called as nearly as possible in the same manner as meetings of shareholders are called under the by-laws, but, if the by-laws provide for more than twenty-one days notice of meetings, twenty-one days notice is sufficient for the calling of the meeting.

## Repayment of expenses

(6) The corporation shall,

- (a) reimburse the requisitionists for any reasonable expenses incurred by them by reason of the action taken by them under subsection 4; and
- (b) retain out of any moneys due or to become due, by way of fees or other remuneration for their services, to such of the directors as were in default, an amount equal to the amount the requisitionists were reimbursed,

unless, at the meeting, the shareholders by a majority of the votes cast reject the reimbursement of the requisitionists. R.S.O. 1960, c. 71, s. 308, *amended*.

## Idem, on court order

**110.** Notwithstanding section 109, upon application by a shareholder of a corporation, the court, if satisfied that the application is made in good faith and that it is *prima facie* in the interests of the corporation or its shareholders that the meeting be held on requisition, may make an order, upon such terms as to security for the costs of holding the meeting or otherwise as to the court seem fit, requiring the directors to call a general meeting of the shareholders for any purpose that is connected with the affairs of the corporation and that is not inconsistent with this Act. *New.*

**111.** If for any reason it is impracticable to call a meeting of shareholders of a corporation in any manner in which meetings of shareholders may be called or to conduct the meeting in the manner prescribed by this Act, the articles or by-laws, the court may, on the application of a director or a shareholder who would be entitled to vote at the meeting, order a meeting to be called, held and conducted in such manner as the court thinks fit, and any meeting called, held and conducted in accordance with the order shall for all purposes be deemed to be a meeting of shareholders of the corporation duly called, held and conducted. R.S.O. 1960, c. 71, s. 310, *amended*.

Court may  
direct  
method of  
holding  
meetings

**112.**—(1) The by-laws may provide for the fixing in advance of a date as the record date,

Record  
dates

- (a) for the determination of the shareholders entitled to notice of meetings of the shareholders which record date for notice shall not be more than fifty days before the date of the meeting and not fewer than the minimum number of days for notice of the meeting and where no such record date for notice is fixed by by-law, the record date for notice shall be at the close of business on the day next preceding the day on which notice is given or sent; and
- (b) for the determination of the shareholders entitled to vote at meetings of the shareholders, which record date for voting shall be not more than forty-eight hours, excluding Saturdays and holidays, before the date of the meeting and, where no such record date for voting is fixed by by-law, the record date for voting shall be at the time of the taking of the vote.  
*New.*

(2) The holder of each common share and, unless the articles condition, restrict, limit or prohibit the right to vote, the holder of each special share who, on the record date for voting, appears on the records of the corporation as a shareholder is entitled to one vote for each share held by him at all meetings of the shareholders of the corporation, or such greater number of votes for each share respecting such matters as the articles provide. R.S.O. 1960, c. 71, s. 29, *amended*.

Voting  
rights

**113.**—(1) Where a person holds shares as a personal representative, that person or his proxy is the person entitled to vote at all meetings of shareholders in respect of the shares so held by him.

Personal  
representative

Mortgagee  
etc.

(2) Where a person mortgages or hypothecates his shares, that person or his proxy is the person entitled to vote at all meetings of shareholders in respect of such shares unless, in the instrument creating the mortgage or hypothec, he has expressly empowered the person holding the mortgage or hypothec to vote in respect of such shares, in which case, subject to the articles, such holder or his proxy is the person entitled to vote in respect of the shares. R.S.O. 1960, c. 71, s. 77, *amended*.

Joint  
shareholders

**114.** Where two or more persons hold the same share or shares jointly, any one of such persons present at a meeting of shareholders has the right in the absence of the other or others to vote in respect of such share or shares, but, if more than one of such persons are present or represented by proxy and vote, they shall vote together as one on the share or shares jointly held by them. R.S.O. 1960, c. 71, s. 78, *amended*.

Interpre-  
tation

**115.** In this section and in sections 116 to 121,

- (a) "form of proxy" means a written or printed form that, upon completion and execution by or on behalf of a shareholder, becomes a proxy;
- (b) "information circular" means the circular referred to in subsection 1 of section 118;
- (c) "proxy" means a completed and executed form of proxy by means of which a shareholder has appointed a person as his nominee to attend and act for him and on his behalf at a meeting of shareholders;
- (d) "solicit" and "solicitation" include,
  - (i) any request for a proxy whether or not accompanied by or included in a form of proxy,
  - (ii) any request to execute or not to execute a form of proxy or to revoke a proxy,
  - (iii) the sending or delivery of a form of proxy or other communication to a shareholder under circumstances reasonably calculated to result in the procurement, withholding or revocation of a proxy, and
  - (iv) the sending or delivery of a form of proxy to a shareholder under section 117,

but do not include,

- (v) the sending or delivery of a form of proxy to a shareholder in response to an unsolicited request made by him or on his behalf, or
- (vi) the performance by any person of ministerial acts or professional services on behalf of a person soliciting a proxy. 1966, c. 28, s. 4, *part.*

**116.**—(1) Every shareholder, including a shareholder that <sup>Proxies</sup> is a body corporate, entitled to vote at a meeting of shareholders may by means of a proxy appoint a person, who need not be a shareholder, as his nominee to attend and act at the meeting in the manner, to the extent and with the power conferred by the proxy.

(2) A proxy shall be executed by the shareholder or his <sup>Execution and termination</sup> attorney authorized in writing or, if the shareholder is a body corporate, under its corporate seal or by an officer or attorney thereof duly authorized, and ceases to be valid one year from its date.

(3) In addition to the requirements, where applicable, of <sup>Contents</sup> section 120, a proxy shall contain the date thereof and the appointment and name of the nominee and may contain a revocation of a former proxy and restrictions, limitations or instructions as to the manner in which the shares in respect of which the proxy is given are to be voted or that may be necessary to comply with the laws of any jurisdiction in which the shares of the corporation are listed on a stock exchange or a restriction or limitation as to the number of shares in respect of which the proxy is given.

(4) In addition to revocation in any other manner per- <sup>Revocation</sup> mitted by law, a proxy may be revoked by an instrument in writing executed by the shareholder or by his attorney authorized in writing or, if the shareholder is a body corporate, under its corporate seal or by an officer or attorney thereof duly authorized, and deposited either at the head office of the corporation at any time up to and including the last business day preceding the day of the meeting, or any adjournment thereof, at which the proxy is to be used or with the chairman of such meeting on the day of the meeting, or adjournment thereof, and upon either of such deposits the proxy is revoked.

(5) The directors may by resolution fix a time not exceeding <sup>Time limit for deposit</sup> forty-eight hours, excluding Saturdays and holidays, preceding any meeting or adjourned meeting of shareholders before which time proxies to be used at that meeting must be

deposited

deposited with the corporation or an agent thereof, and any period of time so fixed shall be specified in the notice calling the meeting or in the information circular relating thereto. 1966, c. 28, s. 4, *part*.

Mandatory  
solicitation  
of proxies

**117.** Subject to section 119, the management of a corporation shall, concurrently with or prior to giving notice of a meeting of shareholders of the corporation, send by prepaid mail to each shareholder who is entitled to vote at such meeting at his latest address as shown on the records of the corporation a form of proxy that complies with section 120 for use at the meeting. 1966, c. 28, s. 4, *part, amended*.

Information  
circular

**118.**—(1) Subject to subsection 2 and section 119, no person shall solicit proxies unless,

- (a) in the case of a solicitation by or on behalf of the management of a corporation, an information circular, either as an appendix to or as a separate document accompanying the notice of the meeting, is sent by prepaid mail to each shareholder of the corporation whose proxy is solicited at his latest address as shown on the records of the corporation; or
- (b) in the case of any other solicitation, the person making the solicitation, concurrently with or prior thereto, delivers or sends an information circular to each shareholder of the corporation whose proxy is solicited.

Application  
of subs. 1

(2) Subsection 1 does not apply to,

- (a) any solicitation, otherwise than by or on behalf of the management of a corporation, where the total number of shareholders whose proxies are solicited is not more than fifteen;
- (b) any solicitation by a person made pursuant to section 79 of *The Securities Act, 1966*; and
- (c) any solicitation by a person in respect of shares of which he is the beneficial owner.

1966, c. 142

Untrue  
solicitations  
an offence

(3) Section 256 applies to a solicitation that is subject to this section by means of a form of proxy, information circular or other communication. 1966, c. 28, s. 4, *part, amended*.

Where  
ss. 117,  
118 (1)  
apply

**119.**—(1) Section 117 and subsection 1 of section 118 apply only to a corporation that is offering its securities to the public.

(2) Upon the application of any interested person, the Commission may, if satisfied that in the circumstances of the particular case there is adequate justification for so doing, make an order, on such terms and conditions as seem to it just and expedient, exempting, in whole or in part, any person from the requirements of section 117 or from the requirements of subsection 1 of section 118. 1966, c. 28, s. 4, *part, amended*.

**120.** Where section 117 or 118 applies to a solicitation of proxies, <sup>Exemption orders</sup> <sup>Special form of proxy</sup>

- (a) the form of proxy sent to a shareholder by a person soliciting proxies,
  - (i) shall indicate in bold-face type or other conspicuous manner whether or not the proxy is solicited by or on behalf of the management of the corporation, and
  - (ii) shall provide a specifically designated blank space for dating the form of proxy;
- (b) the form of proxy shall provide means whereby the person whose proxy is solicited is afforded an opportunity to specify that the shares registered in his name shall be voted by the nominee in favour of or against, in accordance with such person's choice, each matter or group of related matters identified therein or in the information circular as intended to be acted upon, other than the election of directors and the appointment of auditors, but a proxy may confer discretionary authority with respect to matters as to which a choice is not so specified by such means if the form of proxy or the information circular states in bold-face type or other conspicuous manner how it is intended to vote the shares represented by the proxy in each such case;
- (c) a proxy may confer discretionary authority with respect to,
  - (i) amendments or variations to matters identified in the notice of meeting, or
  - (ii) other matters that may properly come before the meeting,but only if,
  - (iii) the person by whom or on whose behalf the solicitation is made is not aware a reasonable

time prior to the time the solicitation is made that any such amendments, variations or other matters are to be presented for action at the meeting, and

- (iv) a specific statement is made in the information circular or in the form of proxy that the proxy is conferring such discretionary authority;
- (d) no proxy shall confer authority,
  - (i) to vote for the election of any person as a director of the corporation unless a *bona fide* proposed nominee for such election is named in the information circular, or
  - (ii) to vote at any meeting other than the meeting specified in the notice of meeting or any adjournment thereof;
- (e) the information circular or form of proxy shall state that the shares represented by the proxy will be voted and that, where the person whose proxy is solicited specifies a choice with respect to any matter to be acted upon under clause *b*, the shares shall, subject to section 121, be voted in accordance with the specifications so made;
- (f) the information circular or form of proxy shall indicate in bold-face type or other conspicuous manner that the shareholder has the right to appoint a person to attend and act for him and on his behalf at the meeting other than the person, if any, designated in the form of proxy, and shall contain instructions as to the manner in which the shareholder may exercise such right; and
- (g) if the form of proxy contains a designation of a named person as nominee, means shall be provided whereby the shareholder may designate in a form of proxy some other person as his nominee for the purpose of subsection 1 of section 116. 1966, c. 28, s. 4, *part, amended*.

Where  
vote by  
ballot  
not  
required

**121.** If the votes represented at a meeting by proxies requiring that they be voted in respect of a particular matter or group of matters total to the knowledge of the chairman of that meeting, less than 5 per cent of all of the voting rights attaching to all of the shares entitled to be voted and be represented at the meeting, the chairman has the right not to conduct a

vote

vote by way of ballot on any such matter or group of matters unless a poll is demanded at the meeting in which case the vote shall be by way of ballot. 1966 c. 28 s. 4 *part, amended*.

#### DIRECTORS AND OFFICERS

##### *Directors*

**122.**—(1) Every corporation shall have a board of directors <sup>Board of directors</sup> howsoever designated.

(2) The board of directors shall consist of a fixed number <sup>Com-  
position</sup> of directors,

(a) in the case of a corporation that is not offering its securities to the public, of at least one; and

(b) in the case of a corporation that is offering its securities to the public, of not fewer than three, of whom at least two shall not be officers or employees of the corporation or of any affiliate of the corporation. R.S.O. 1960, c. 71, s. 296 (1, 2), *amended*.

**123.**—(1) Each of the persons named as first directors <sup>First  
directors</sup> in the articles of a corporation is a director of the corporation until replaced by a person duly elected or appointed in his stead.

(2) The first directors of a corporation have all the powers <sup>Idem</sup> and duties and are subject to all the liabilities of directors. R.S.O. 1960, c. 71, s. 297 (1, 2), *amended*.

**124.**—(1) A corporation may by special by-law increase <sup>Change in  
number of  
directors</sup> or, subject to subsection 2 of section 122, decrease the number of its directors as set out in its articles.

(2) The corporation shall file with the Minister a certified <sup>Filing of  
by-law</sup> copy of the by-law within ten days after the by-law has been confirmed by the shareholders.

(3) Failure to comply with subsection 2 does not affect <sup>Validity</sup> the validity of the by-law. R.S.O. 1960, c. 71, s. 298, *amended*.

**125.**—(1) No person under twenty-one years of age shall <sup>Age of  
directors</sup> be a director of a corporation.

(2) No undischarged bankrupt or mentally incompetent <sup>Qualifica-  
tions</sup> person shall be a director, and, if a director becomes a bankrupt or a mentally incompetent person, he thereupon ceases to be a director. R.S.O. 1960, c. 71, s. 299 (4, 5), *amended*.

## Consent

(3) A person who is elected or appointed a director is not a director unless,

- (a) he was present at the meeting when he was elected or appointed and did not refuse at the meeting to act as director;
- (b) where he was not present at the meeting when he was elected or appointed, he consented to act as director in writing before his election or appointment or within ten days thereafter.

## Idem

(4) For the purposes of subsection 3, a person who is elected or appointed as director and refuses under clause *a* of subsection 3 or fails to consent under clause *b* of subsection 3 shall be deemed not to have been elected or appointed as a director. *New.*

## Election of directors

**126.**—(1) The directors shall be elected by the shareholders in general meeting, and the election shall be by ballot or in such other manner as the by-laws of the corporation prescribe.

## Idem

(2) The election of directors shall take place yearly, or at such other interval not exceeding five years as is provided by the articles and all the directors then in office shall retire, but, if qualified, are eligible for re-election. R.S.O. 1960, c. 71, s. 300 (1, 2), *amended.*

## Continuance in office

(3) If an election of directors is not held within the prescribed period, the directors continue in office until their successors are elected.

## Rotation of directors

(4) The articles may provide for the election and retirement of directors in rotation, but in that case no director shall be elected for a term of more than five years and at least three directors shall retire from office in each year. R.S.O. 1960, c. 71, s. 300 (3, 4), *amended.*

## Cumulative voting for directors

**127.** The articles or a special by-law of a corporation may provide that,

- (a) every shareholder entitled to vote at an election of directors has the right to cast thereat a number of votes equal to the number of votes attached to the shares held by him multiplied by the number of directors to be elected, and he may cast all such votes in favour of one candidate or distribute them among the candidates in such manner as he sees fit; and

(b)

- (b) where he has voted for more than one candidate without specifying the distribution of his votes among such candidates, he shall be deemed to have divided his votes equally among the candidates for whom he voted. R.S.O. 1960, c. 71, s. 64 (1), *amended*.

**128.**—(1) Subject to subsection 2, where there is a quorum <sup>Vacancies</sup> of directors in office and a vacancy occurs in the board, the directors remaining in office may appoint a qualified person to fill the vacancy for the remainder of the term. R.S.O. 1960, c. 71, s. 301 (1, 2), *amended*.

(2) Where part of the board of directors has been elected <sup>Idem, where</sup> by the holders of the shares of a special class of shares as <sup>elected by</sup> provided in clause *d* of subsection 1 of section 27, and a <sup>class of</sup> vacancy occurs in that part of the board, the remaining <sup>shareholders</sup> directors or director, if any, in that part of the board may appoint a qualified person to fill the vacancy for the remainder of the term, and, if there is no such remaining director, the holders of that class of shares at a general meeting thereof that may be called by any holder of shares of that class may elect a qualified person to fill the vacancy for the remainder of the term. *New*.

(3) When there is not a quorum of directors in office, the <sup>Idem, where no</sup> director or directors then in office shall forthwith call a <sup>quorum</sup> general meeting of the shareholders to fill the vacancies, and, in default or if there are no directors then in office, the meeting may be called by any shareholder. R.S.O. 1960, c. 71, s. 301 (3).

**129.** Unless the articles or by-laws otherwise provide, a <sup>Quorum of</sup> majority of the board of directors constitutes a quorum, but in no case shall a quorum be less than two-fifths of the board of directors or two directors, whichever is the greater. R.S.O. 1960, c. 71, s. 301 (1), *amended*.

**130.**—(1) Subject to subsection 2, the meetings of the <sup>Place of</sup> board of directors and the executive committee shall be held <sup>meetings</sup> at the place where the head office of the corporation is located.

(2) Where the by-laws of the corporation so provide, the <sup>Exception</sup> meetings of the board of directors and of the executive committee may be held at any place within or outside Ontario. R.S.O. 1960, c. 71, s. 74 (1, 2), *amended*.

**131.**—(1) In addition to any other provision in the articles <sup>Calling</sup> or by-laws of a corporation for calling meetings of directors, <sup>meetings</sup> a quorum of the directors may, at any time, call a meeting of <sup>of directors</sup>

the directors for the transaction of any business the general nature of which is specified in the notice calling the meeting.

**Notice**

(2) In the absence of any other provision in that behalf in the by-laws of the corporation, notice of the time and place for the holding of the meeting called under subsection 1 shall be given to every director of the corporation by sending the notice by prepaid mail ten days or more before the date of the meeting to his latest address as shown on the records of the corporation. *New.*

**Duties**

**132.—**(1) The board of directors shall manage or supervise the management of the affairs and business of the corporation.

**Conduct of  
business**

(2) Subject to section 133 and subsection 1 of section 23, no business of a corporation shall be transacted by its directors except at a meeting of directors at which a quorum of the board is present.

**Idem**

(3) Where there is a vacancy or vacancies in the board of directors, the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office. R.S.O. 1960, c. 71, s. 296, *amended.*

**Executive  
committee**

**133.—**(1) Where the number of directors of a corporation is more than six, and if authorized by a special by-law, the directors may elect from among their number an executive committee consisting of not fewer than three and may delegate to the executive committee any powers of the board of directors, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the directors.

**Quorum**

(2) An executive committee may fix its quorum, which shall be not less than a majority of its members. R.S.O. 1960, c. 71, s. 69 (1, 2), *amended.*

**Disclosure  
by directors  
of interests  
in contracts**

**134.—**(1) Every director of a corporation who has, directly or indirectly, any interest in any contract or transaction to which the corporation is or is to be a party, other than a contract or transaction limited solely to his remuneration as a director, officer or employee, shall declare his interest in such contract or transaction at a meeting of the directors of the corporation and shall at that time disclose the nature and extent of such interest including, as to any contract or transaction involving the purchase and sale of assets by or to the corporation or a subsidiary thereof, the cost of the assets to the purchaser and the cost thereof to the seller if acquired by the seller within five years before the date of the contract or transaction, to the extent to which such information is within his knowledge or control.

(2) Subsection 1 does not require the disclosure of any <sup>Interest to be material</sup> interest in any contract or transaction unless the interest and the contract or transaction are both material.

(3) The declaration required by this section shall be made <sup>When declaration of interest to be made</sup> at the meeting of the directors at which the contract or transaction is first considered or, if the director is not at the date of the meeting interested in the contract or transaction, at the next meeting of the directors held after he becomes so interested, and, where the director becomes interested in a contract or transaction after it is entered into, the declaration shall be made at the first meeting of the directors held after he becomes so interested.

(4) If a director has made a declaration and disclosure of <sup>Effect of declaration</sup> his interest in a contract or transaction in compliance with this section and has not voted in respect of the contract or transaction at the meeting of the directors of the corporation, the director, if he was acting honestly and in good faith at the time the contract or transaction was entered into, is not by reason only of his holding the office of director accountable to the corporation or to its shareholders for any profit or gain realized from the contract or transaction, and the contract or transaction, if it was in the best interest of the corporation, is not voidable by reason only of the director's interest therein.

(5) Notwithstanding anything in this section, a director, <sup>Confirmation by shareholders</sup> if he was acting honestly and in good faith, is not accountable to the corporation or to its shareholders for any profit or gain realized from any such contract or transaction by reason only of his holding the office of director, and the contract or transaction, if it was in the best interests of the corporation at the time it was entered into, is not by reason only of the director's interest therein voidable,

- (a) if the contract or transaction is confirmed or approved by at least two-thirds of the votes cast at a general meeting of the shareholders duly called for that purpose; and
- (b) if the nature and extent of the director's interest in the contract or transaction are declared and disclosed in reasonable detail in the notice calling the meeting or in the information circular required by section 118. R.S.O. 1960, c. 71, s. 70, *amended*.

**135.**—(1) Where any shares of a corporation are acquired <sup>Liability of directors re purchase of shares</sup> by it by redemption, purchase or acceptance for surrender in contravention of this Act or the articles, the directors who voted in favour of or consented to the resolution authorizing

the redemption, purchase or acceptance for surrender are jointly and severally liable to the corporation to the extent of the amount paid for the acquisition of the shares.

Application  
to court

(2) Where any shares of a corporation are acquired by it by redemption, purchase or surrender in contravention of this Act or the articles,

(a) any shareholder of the corporation; or

(b) where the acquisition is in contravention of subsection 1 of section 38, subsection 3 of section 39 or section 100, any creditor of the corporation who was a creditor at the time of the acquisition,

may apply to the court within two years of the acquisition, and the court may, if it considers it to be just and equitable under the circumstances, make an order making any shareholder whose shares were acquired liable to the corporation, jointly and severally with the directors, to the extent of the amount paid to him for his shares. *New.*

Liability  
of directors  
re dividends

**136.** Where any dividend is declared and paid in contravention of section 153 or 154,

(a) the directors who voted in favour of or consented to the resolution authorizing the declaration of the dividend are jointly and severally liable to the corporation to the extent of the amount of the dividend so declared and paid or such part thereof as renders the corporation insolvent or diminishes its capital; and

(b) any shareholder of the corporation or any creditor of the corporation who was a creditor at the time of the declaration of the dividend may apply to the court within two years of the declaration, and the court may, if it considers it to be just and equitable under the circumstances, make an order making any shareholder to whom the dividend is paid jointly and severally liable with the directors to the extent of the amount of the dividend paid to him. R.S.O. 1960, c. 71, s. 61 (3), *part, amended.*

Consent of  
director at  
meeting

**137.—**(1) A director who was present at a meeting of the board of directors or an executive committee thereof when,

(a) the redemption, purchase or acceptance for surrender of shares of the corporation is authorized;

(b)

- (b) the declaration and payment of a dividend is authorized; or
- (c) a loan or guarantee mentioned in section 146 is authorized,

shall be deemed to have consented thereto unless,

- (d) his dissent is entered in the minutes of the meeting;
- (e) he files his written dissent with the person acting as secretary of the meeting before its adjournment; or
- (f) he delivers or sends his dissent by registered mail to the corporation immediately after the adjournment of the meeting,

and within seven days after complying with clause *d*, *e* or *f* he sends a copy of his dissent by registered mail to the Minister.

(2) A director who voted in favour of a matter referred to <sup>Idem</sup> in subsection 1 is not entitled to dissent under subsection 1.

(3) A director who was not present at a meeting of the board of directors or any executive committee thereof when, <sup>Consent of director not at meeting</sup>

- (a) the redemption, purchase or acceptance for surrender of shares of the corporation is authorized;
- (b) the declaration and payment of a dividend is authorized; or
- (c) a loan or guarantee mentioned in section 146 is authorized,

shall be deemed to have consented thereto unless,

- (d) he delivers or sends to the corporation by registered mail his dissent; or
- (e) he causes his dissent to be filed with the minutes of the meeting,

within seven days after he becomes aware of the authorization referred to in clause *a*, *b* or *c* and unless, within seven days after complying with clause *d* or *e*, he sends a copy of his dissent by registered mail to the Minister. *New.*

**138.**—(1) A director is not liable under section 135, 136 <sup>Exception to liability</sup> or 146 if, in the circumstances, he discharged his duty to the corporation in accordance with section 144.

Liability  
not  
excluded

(2) The liability imposed by this Act upon a director is in addition to any other liability that is by law imposed upon him. *New.*

Liability of  
directors  
for wages  
R.S.O. 1960,  
c. 230

**139.**—(1) The directors of a corporation are jointly and severally liable to the employees of the corporation to whom *The Master and Servant Act* applies for all debts that become due while they are directors for services performed for the corporation, not exceeding six months wages, and for the vacation pay accrued for not more than twelve months under *The Employment Standards Act, 1968* and the regulations thereunder or under any collective agreement made by the corporation.

1968. c. 35

Limitation  
of liability

(2) A director is liable under subsection 1,

(a) only if,

(i) the corporation has been sued for the debt within six months after it has become due and execution against the corporation has been returned unsatisfied in whole or in part, or

(ii) the corporation has within that period gone into liquidation or has been ordered to be wound up or has made an authorized assignment under the *Bankruptcy Act* (Canada), or a receiving order under the *Bankruptcy Act* (Canada) has been made against it and, in any such case, the claim for the debt has been proved; and

R.S.C. 1952  
c. 14

(b) he is sued for the debt while he is a director or within two years after he ceases to be a director.

*Idem*

(3) After execution has been so returned against the corporation, the amount recoverable against the director is the amount remaining unsatisfied on the execution.

Rights of  
director  
who pays  
the debt

(4) If the claim for the debt has been proved in liquidation or winding-up proceedings or under the *Bankruptcy Act* (Canada), a director who pays the debt is entitled to any preference that the creditor paid would have been entitled to or, if a judgment has been recovered for the debt, the director is entitled to an assignment of the judgment. R.S.O. 1960, c. 71, s. 73 (1-4), *amended.*

Removal  
of directors

**140.** The shareholders may, by resolution passed by a majority of the votes cast at a general meeting duly called for that purpose, remove any director before the expiration of

his

his term of office and may, by a majority of the votes cast at the meeting, elect any person in his stead for the remainder of his term, but, where the directors have been elected by the method of voting provided by section 127, no director shall be removed from office where the votes cast against the resolution for his removal would, if cumulatively voted at an election of the full board of directors, be sufficient to elect one or more directors. R.S.O. 1960, c. 71, s. 66 (1), *amended*.

### *Officers*

**141.**—(1) A corporation shall have a president and a secretary and such other officers as are provided for by by-law or by resolution of the directors. Officers

(2) In the absence of other provisions in that behalf in the articles or by-laws, the directors, Election and appointment

(a) shall elect the president from among themselves;

(b) shall appoint or elect the secretary; and

(c) may appoint or elect one or more vice-presidents or other officers. R.S.O. 1960, c. 71, s. 302 (1, 2), *amended*.

**142.** A corporation may by special by-law,

Chairman of the board

(a) provide for the election or appointment by the directors from among themselves of a chairman of the board;

(b) define the duties of the chairman;

(c) assign to the chairman all or any of the duties of the president or of any other officer of the corporation,

and, if the by-law assigns to the chairman any of the duties of the president, it shall also fix and prescribe the duties of the president. R.S.O. 1960, c. 71, s. 303, *amended*.

**143.** Unless the articles or by-laws otherwise provide, no person shall be the president or chairman of the board of a corporation unless he is a director of the corporation but no other officer need be a director. R.S.O. 1960, c. 71, s. 304 (1), *amended*. Qualifications of chairman and president

### *General*

**144.** Every director and officer of a corporation shall exercise the powers and discharge the duties of his office honestly, in good faith and in the best interests of the corporation, and in connection therewith shall exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances. *New*. Standards of care, etc., of directors

Validity of  
acts of  
directors  
and officers

**145.** An act done by a director or by an officer is not invalid by reason only of any defect that is thereafter discovered in his appointment, election or qualification. R.S.O. 1960, c. 71, s. 305, *amended*.

Liability  
of directors  
and officers

**146.** Those directors and officers of a corporation who authorize or consent to a loan in contravention of section 17 are, until repayment of the loan, jointly and severally liable to the corporation and to its creditors for the debts of the corporation then existing or thereafter contracted to the amount of the loan with interest at the rate of 6 per cent a year. R.S.O. 1960, c. 71, s. 23 (4), *amended*.

Indemnifi-  
cation of  
directors

**147.**—(1) Subject to subsection 2, the by-laws of a corporation may provide that every director and officer of the corporation and his heirs, executors, administrators and other legal personal representatives may from time to time be indemnified and saved harmless by the corporation from and against,

(a) any liability and all costs, charges and expenses that he sustains or incurs in respect of any action, suit or proceeding that is proposed or commenced against him for or in respect of anything done or permitted by him in respect of the execution of the duties of his office; and

(b) all other costs, charges and expenses that he sustains or incurs in respect of the affairs of the corporation. R.S.O. 1960, c. 71, s. 72, *amended*.

Idem

(2) No director or officer of a corporation shall be indemnified by the corporation in respect of any liability, costs, charges or expenses that he sustains or incurs in or about any action, suit or other proceeding as a result of which he is adjudged to be in breach of any duty or responsibility imposed upon him under this Act or under any other statute unless, in an action brought against him in his capacity as director or officer, he has achieved complete or substantial success as a defendant. *New*.

Insurance

(3) A corporation may purchase and maintain insurance for the benefit of a director or officer thereof, except insurance against a liability, cost, charge or expense of the director or officer incurred as a result of a contravention of section 144. *New*.

#### INSIDERS

Insiders  
to report  
holdings  
to O.S.C.

**148.**—(1) A person who becomes an insider of a corporation shall, within ten days after the end of the month in which he becomes an insider, file with the Commission a report, as

of the day on which he became an insider, of his direct or indirect beneficial ownership of or control or direction over securities of the corporation.

(2) If a person who is an insider of a corporation but has <sup>Idem</sup> no direct or indirect beneficial ownership of or control or direction over securities of the corporation acquires direct or indirect beneficial ownership of or control or direction over any such securities, he shall, within ten days after the end of the month in which he acquired such direct or indirect beneficial ownership or such control or direction, file with the Commission a report, as of the date of such acquisition, of his direct or indirect beneficial ownership of or control or direction over securities of the corporation.

(3) A person who has filed or is required to file a report under subsection 1 or 2 and whose direct or indirect beneficial ownership of or control or direction over securities of the corporation changes from that shown or required to be shown in such report or in the last report filed by him under this section shall, within ten days following the end of the month in which such change takes place, provided that he was an insider of the corporation at any time during such month, file with the Commission a report of his direct or indirect beneficial ownership of or control or direction over securities of the corporation at the end of such month and the change or changes therein that occurred during the month and giving such details of each transaction as may be required by the regulations. 1966, c. 28, s. 3, *part, amended*. <sup>Subsequent reports of changes</sup>

**149.**—(1) All reports filed with the Commission under section 148 shall, upon payment of the prescribed fee, be open to public inspection at the offices of the Commission during normal business hours of the Commission, and any person may make extracts from such reports. <sup>Reports may be inspected</sup>

(2) The Commission shall summarize in or as part of a monthly periodical for distribution to the public on payment of the prescribed fee therefor the information contained in the reports so filed. 1966, c. 28, s. 3, *part*. <sup>Publication of information contained in reports</sup>

**150.**—(1) Every insider of a corporation or associate or affiliate of such insider who, in connection with a transaction relating to the securities of the corporation, makes use of any specific confidential information for his own benefit or advantage that, if generally known, might reasonably be expected to affect materially the value of such securities, is liable to compensate any person for any direct loss suffered by such person as a result of the transaction, unless the information <sup>Liability of insiders</sup>

was known or ought reasonably to have been known to such person at the time of the transaction, and is also accountable to the corporation for any direct benefit or advantage received or receivable by such insider, associate or affiliate, as the case may be, as a result of the transaction.

Limitation  
period

(2) An action to enforce any right created by subsection 1 may be commenced only within two years after the date of completion of the transaction that gave rise to the cause of action. 1966, c. 28, s. 3, *part*.

Order to  
commence  
action

**151.**—(1) Upon application by any person who was at the time of a transaction referred to in subsection 1 of section 150 or is at the time of the application an owner of securities of the corporation, the court may, if satisfied that,

- (a) such person has reasonable grounds for believing that the corporation has a cause of action under section 150; and
- (b) either,
  - (i) the corporation has refused or failed to commence an action under section 150 within sixty days after receipt of a written request from such person so to do, or
  - (ii) the corporation has failed to prosecute diligently an action commenced by it under section 150,

make an order, upon such terms as to security for costs and otherwise as to the court seems fit, requiring the Commission to commence or continue an action in the name of and on behalf of the corporation to enforce the liability created by section 150.

Notice to  
corporation  
and O.S.C.

(2) The applicant under subsection 1 shall give to the corporation and the Commission notice of his application, and the corporation and the Commission have the right to appear and be heard thereon.

Order to  
require  
corporation  
to  
co-operate

(3) Every order made under subsection 1 shall provide that the corporation shall co-operate fully with the Commission in the institution and prosecution of the action and shall make available to the Commission all records, documents and other material or information known to the corporation or reasonably ascertainable by the corporation relevant to the action. 1966, c. 28, s. 3, *part*.

**152.** Upon the application of any interested person, the Commission may, if satisfied upon the circumstances of the particular case that there is adequate justification for so doing, make an order upon such terms and conditions as seem to the Commission to be expedient exempting in whole or in part any person from the requirements of section 148. *New.* Exception

#### DIVIDENDS

**153.**—(1) Subject to the articles of the corporation, the directors may declare and the corporation may pay dividends on its issued shares. Power to declare dividends

(2) A dividend may be paid in cash or in property not exceeding in value the amount of the dividend. Manner of payment

(3) The directors shall not declare and the corporation shall not pay any dividend when the corporation is insolvent, or any dividend the payment of which renders the corporation insolvent or that diminishes its capital. R.S.O. 1960, c. 71, s. 61 (1-3), *amended.* When dividend not to be declared

**154.**—(1) Notwithstanding anything in this Act, a corporation, Corporations with wasting assets

- (a) that for the time being carries on as its principal business the business of operating a producing mining, gas or oil property owned and controlled by it; or
- (b) at least 75 per cent of the assets of which are of a wasting character; or
- (c) incorporated for the object of acquiring the assets or a substantial part of the assets of a body corporate and administering such assets for the purpose of converting them into cash and distributing the cash among the shareholders of the corporation,

may declare and pay dividends out of the funds derived from the operations of the corporation.

(2) The powers conferred by subsection 1 may be exercised notwithstanding that the value of the net assets of the corporation may be thereby reduced to less than its issued capital if the payment of the dividends does not reduce the value of its remaining assets to an amount insufficient to meet all the liabilities of the corporation exclusive of its issued capital. Extent of impairment of capital

(3) The powers conferred by subsection 1 may be exercised only under the authority of a special by-law. Special by-law

Idem

(4) Where dividends have been paid by a corporation in any of the cases mentioned in subsection 1 without the authority of a by-law, the payment thereof is nevertheless valid if a by-law adopting and approving the payment is passed and confirmed in the same manner as for a special by-law. R.S.O. 1960, c. 71, s. 61 (5-8), *amended*.

Stock dividends

**155.** For the amount of any dividend that the directors may declare payable in cash, they may declare a stock dividend and issue therefor shares of the corporation as fully paid. R.S.O. 1960, c. 71, s. 62, *amended*.

## RECORDS

Records

**156.**—(1) Where this Act requires a record to be kept by a corporation, it may be kept in a bound or looseleaf book, or by means of a mechanical, electronic or other device.

Where not in bound book

(2) Where a record is not kept in a bound book, the corporation shall,

- (a) take adequate precautions, appropriate to the means used, for guarding against the risk of falsifying the information recorded; and
- (b) provide means for making the information available in an accurate and intelligible form within a reasonable time to any person lawfully entitled to examine the record. R.S.O. 1960, c. 71, s. 1, cls. *a, h*, *amended*.

Admissibility of records in evidence

(3) The bound or looseleaf book or, where the record is not kept in a bound or looseleaf book, the information in the form in which it is made available under clause *b* of subsection 2 is admissible in evidence as *prima facie* proof, before and after dissolution of the corporation, of all facts stated therein. R.S.O. 1960, c. 71, s. 314, *amended*.

False information

(4) No person shall remove, withhold or destroy information required by this Act or the regulations to be recorded, or

- (a) record or assist in recording any information in a record; or
- (b) make information purporting to be accurate available in a form referred to in clause *b* of subsection 2,

knowing it to be untrue. R.S.O. 1960, c. 71, s. 316, *amended*.

Records

**157.** A corporation shall cause to be kept the following records:

1. A copy of the articles of the corporation.
2. All by-laws and resolutions, including special by-laws and special resolutions of the corporation.
3. A register of security holders in which is set out the names alphabetically arranged or alphabetically indexed in appropriate categories of,
  - i. all persons who are or have been within ten years registered as shareholders of the corporation and the address including the street and number, if any, of every such person while a holder, in which are set out also the number and class of shares held by such holder and, where the shares were issued before this Act comes into force and not fully paid, the amounts paid up and remaining unpaid on such shares,
  - ii. all persons who are or have been holders of debt obligations other than debt obligations in bearer form of the corporation and the address including the street and number, if any, of every such person while a holder in which are set out also the class or series and principal amount of the debt obligations held by such holder.
4. A register of directors in which are set out the names and residence addresses, including the street and number, if any, of all persons who are or have been directors of the corporation with the several dates on which each became or ceased to be a director.
5. Proper accounting records in which are set out all financial and other transactions of the corporation including, without limiting the generality of the foregoing, records of,
  - i. all sums of money received and disbursed by the corporation and the matters with respect to which receipt and disbursement took place,
  - ii. all sales and purchases of the corporation,
  - iii. the assets and liabilities of the corporation, and
  - iv. all other transactions affecting the financial position of the corporation.

6. The minutes of all proceedings at meetings of shareholders, directors and any executive committee.  
R.S.O. 1960, c. 71, ss. 312 (1), 313, 315, *amended*.

Register of  
transfers

**158.** Every corporation shall cause to be kept a register of transfers in which all transfers of securities issued by the corporation in registered form and the date and other particulars of each transfer shall be set out. R.S.O. 1960, c. 71, s. 40, *amended*.

Transfer  
agents

**159.** A corporation may appoint a transfer agent to keep the register of security holders and the register of transfers and may also appoint one or more branch transfer agents to keep branch registers of security holders and branch registers of transfers. R.S.O. 1960, c. 71, s. 41, *amended*.

Where  
registers  
to be kept

**160.**—(1) The register of security holders and the register of transfers shall be kept at the head office of the corporation or at such other office or place in Ontario as is appointed by resolution of the directors, and the branch register or registers of security holders and the branch register or registers of transfers may be kept at such office or offices of the corporation or other place or places, either in or outside Ontario, as are appointed by resolution of the directors.

Valid  
registration

(2) Registration of the transfer of a security of the corporation in the register of transfers or a branch register of transfers is a complete and valid registration for all purposes.

Entry in  
branch  
transfer  
register

(3) In each branch register of transfers shall be recorded only the particulars of the transfers of securities registered in that branch register of transfers.

Entry in  
register of  
transfers

(4) Particulars of every transfer of securities registered in every branch register of transfers shall be recorded in the register of transfers. R.S.O. 1960, c. 71, s. 42, *amended*.

Records  
open to  
examination  
by directors

**161.**—(1) The records mentioned in sections 157 and 158 shall, during the normal business hours of the corporation, be open to examination by any director and shall, except as provided in section 160 and in subsections 2 and 3 of this section, be kept at the head office of the corporation.

Records of  
account at  
branch

(2) A corporation may keep at any place where it carries on business such parts of the accounting records as relate to the operations, business and assets and liabilities of the corporation carried on, supervised or accounted for at such place, but there shall be kept at the head office of the corporation or such other place as is authorized under subsection 3 such records as will enable the directors to ascertain quarterly with reasonable accuracy the financial position of the corporation.

## (3) Where a corporation,

Order for  
removal of  
records

- (a) shows, to the satisfaction of the Minister, the necessity of keeping all or any of the records mentioned in subsection 1 at a place other than the head office of the corporation; and
- (b) gives to the Minister adequate assurance, by surety bond or otherwise, that such records will be open for examination,
  - (i) at the head office or some other place in Ontario designated by the Minister, and
  - (ii) by any person who is entitled to examine them and who has applied to the Minister for such an examination,

the Minister may, by order and upon such terms as he thinks fit, permit the corporation to keep such of them at such place or places, other than the head office, as he thinks fit. R.S.O. 1960, c. 71, s. 317 (1-3), *amended*.

(4) The Minister may by order upon such terms as he sees fit rescind any order made under subsection 3 or any order made by the Lieutenant Governor in Council under a predecessor of that subsection. R.S.O. 1960, c. 71, s. 317 (5), *amended*.

Rescission  
of orders  
made under  
subs. 3

**162.**—(1) Subject to section 163, the records of a corporation mentioned in section 157 or 158, other than accounting records, resolutions of directors and the minutes of proceedings at meetings of directors and of executive committees, shall, during the normal business hours of the corporation and at the place or places where they are kept, be open to examination by the shareholders and creditors or their agents or personal representatives, and any of them may make extracts therefrom.

Examination  
of records  
by share-  
holders  
and  
creditors

(2) No person shall refuse to permit a person entitled thereto to inspect such records or to make extracts therefrom. R.S.O. 1960, c. 71, s. 318, *amended*.

Idem

**163.**—(1) A shareholder or creditor or the agent or personal representative of any of them shall not make or cause to be made a list of all or any of the security holders of the corporation unless he has filed with the corporation or its agent his affidavit in the following form, and, where the security holder or creditor is a body corporate, the affidavit shall be made by the president or other officer authorized by resolution of the board of directors of the body corporate:

List of  
security  
holders

Form of Affidavit

Province of Ontario } In the matter of  
County of } (*Insert name of corporation*)

I, ....., of the ..... of .....,  
in the ..... of .....,  
make oath and say:

1. I am a shareholder (*or creditor*) of the above-named corporation.

(*Where the shareholder or creditor is a body corporate, indicate office and authority of deponent in paragraph 1.*)

2. I am applying to make a list of the shareholders (debt obligation holders) of the above-named corporation.

3. I require the list of shareholders (debt obligation holders) only for purposes connected with the above-named corporation.

4. The list of shareholders (debt obligation holders) and the information contained therein will be used only for purposes connected with the above-named corporation.

Sworn, etc.

Use of  
list

(2) No person, other than the corporation or its agent, shall use a list of all or any of the security holders of a corporation obtained under this section,

(a) for the purpose of delivering or sending to all or any of the security holders advertising or other printed matter relating to securities, other than the securities of the corporation; or

(b) for any purpose not connected with the corporation.

Purposes  
connected  
with the  
corporation  
defined

(3) Purposes connected with the corporation include any effort to influence the voting of shareholders or debt obligation holders at any meeting thereof and include the acquisition or offering of shares to acquire control or to effect an amalgamation or reorganization. R.S.O. 1960, c. 71, s. 319 (1-3). *amended.*

Where  
list of  
shareholders  
to be  
furnished

**164.**—(1) Any person, upon payment of a reasonable charge therefor and upon filing with the corporation or its agent the affidavit referred to in subsection 2, may require a corporation, other than a corporation that is not offering its securities to the public, or its transfer agent to furnish within ten days from the filing of the affidavit a list setting out the names alphabetically arranged of all persons who are shareholders of the corporation, the number of shares owned by each such person and the address of each such person as shown on the records of the corporation made up to a date not more than ten days before the date of filing the affidavit.

(2) The affidavit referred to in subsection 1 shall be made <sup>Form of affidavit</sup> by the applicant and shall be in the following form:

Form of Affidavit

Province of Ontario }  
County of }

In the matter of  
(Insert name of corporation)

I, ..... of the ..... of .....  
in the ..... of .....  
make oath and say:

(Where the applicant is a body corporate, indicate office and authority of deponent.)

1. I hereby apply for a list of the shareholders of the above-named corporation.

2. I require the list of shareholders only for purposes connected with the above-named corporation.

3. The list of shareholders and the information contained therein will be used only for purposes connected with the above-named corporation.

Sworn, etc.

(3) Where the applicant is a body corporate, the affidavit shall be made by the president or other officer authorized by resolution of the board of directors of the body corporate. <sup>Idem, where applicant a body corporate</sup>

(4) No person shall use a list of all or any of the shareholders of a corporation obtained under this section, <sup>Use of list</sup>

(a) for the purpose of delivering or sending to all or any of the shareholders advertising or other printed matter relating to securities other than the securities of the corporation; or

(b) for any purpose not connected with the corporation.

(5) Every corporation or transfer agent shall furnish a list in accordance with subsection 1 when so required. <sup>Furnishing list</sup>

(6) Purposes connected with the corporation include any effort to influence the voting of shareholders at any meeting thereof, any offer to acquire shares in the corporation or any effort to effect an amalgamation or reorganization. 1966, c. 28, s. 17, *part, amended*. <sup>Purposes connected with corporation defined</sup>

**165.** No person shall offer for sale or sell or purchase or otherwise traffic in a list or a copy of a list of all or any of the security holders of a corporation. 1966, c. 28, s. 17, *part, amended*. <sup>Trafficking in lists</sup>

Power of  
court to  
correct

**166.**—(1) Where the name of a person is, without sufficient cause, entered in or omitted from the records of a corporation other than accounting records, or if default is made or unnecessary delay takes place in entering therein the fact of any person having ceased to be a security holder of the corporation, the person or security holder aggrieved, or any security holder of the corporation, or the corporation itself, may apply to the court for an order that the records be rectified, and the court may dismiss such application or make an order for the rectification of the records and may direct the corporation to compensate the party aggrieved for any damage he has sustained.

Decision  
as to title

(2) The court may, in any proceeding under this section, decide any question relating to the entitlement of a person who is a party to the proceeding to have his name entered in or omitted from such records whether the question arises between two or more security holders or alleged security holders, or between any security holders or alleged security holders and the corporation.

Trial  
of issue

(3) The court may direct an issue to be tried. R.S.O. 1960, c. 71, s. 320 (1-3), *amended*.

Jurisdiction  
of courts  
not  
affected

(4) This section does not deprive any court of any jurisdiction it otherwise has. R.S.O. 1960, c. 71, s. 320 (5).

#### AUDITORS AND FINANCIAL STATEMENTS

Exemption  
from  
audit  
provisions

**167.**—(1) Subject to subsection 2, where in a financial year all the shareholders of a corporation that,

(a) is not offering its securities to the public;

(b) has five or fewer shareholders; and

(c) has assets not exceeding \$500,000 and sales and gross operating revenues not exceeding \$1,000,000, as shown on the financial statement of the corporation for the preceding year,

consent in writing, the corporation is exempt from sections 168 and 169, subsections 1 to 4 of section 170 and section 171 in respect of the year in which the consent is given.

Subsidiary  
corporations

(2) Subsection 1 does not apply to a subsidiary corporation unless its holding corporation is exempted under subsection 1 at the time the consent of the shareholders is given. *New.*

**168.**—(1) The shareholders of a corporation at their first <sup>Auditors</sup> general meeting shall appoint one or more auditors to hold office until the close of the first annual meeting and, if the shareholders fail to do so, the directors shall forthwith make such appointment or appointments.

(2) The shareholders shall at each annual meeting appoint <sup>Idem</sup> one or more auditors to hold office until the close of the next annual meeting and, if an appointment is not so made, the auditor in office continues in office until a successor is appointed.

(3) The directors may fill any casual vacancy in the office <sup>Casual vacancy</sup> of auditor, but, while such vacancy continues, the surviving or continuing auditor, if any, may act.

(4) The shareholders may, by resolution passed by a major- <sup>Removal of auditor</sup> ity of the votes cast at a general meeting duly called for the purpose, remove an auditor before the expiration of his term of office, and shall by a majority of the votes cast at that meeting appoint another auditor in his stead for the remainder of his term. R.S.O. 1960, c. 71, s. 80 (1-4), *amended*.

(5) Before calling a general meeting for the purpose speci- <sup>Notice to auditor</sup> fied in subsection 4, the corporation shall, fifteen days or more before the mailing of the notice of the meeting, give to the auditor,

(a) written notice of the intention to call the meeting, specifying therein the date on which the notice of the meeting is proposed to be mailed; and

(b) a copy of all material proposed to be sent to shareholders in connection with the meeting.

(6) The auditor has the right to make to the corporation, <sup>Right of auditor to make representations</sup> three days or more before the mailing of the notice of the meeting, representations in writing concerning his proposed removal as auditor, and the corporation, at its expense, shall forward with the notice of the meeting a copy of such representations to each shareholder entitled to receive notice of the meeting. *New*.

(7) The remuneration of an auditor appointed by the share- <sup>Remuneration</sup> holders shall be fixed by the shareholders, or by the directors if they are authorized so to do by the shareholders, and the remuneration of an auditor appointed by the directors shall be fixed by the directors.

Appoint-  
ment by  
court

(8) If for any reason no auditor is appointed, the court may, on the application of a shareholder, appoint one or more auditors to hold office until the close of the next annual meeting and may fix the remuneration to be paid by the corporation for his or their services.

Notice of  
appoint-  
ment

(9) The corporation shall give notice in writing to an auditor of his appointment forthwith after the appointment is made. R.S.O. 1960, c. 71, s. 80 (5-7), *amended*.

Notice to  
auditor of  
proposal  
to appoint  
another

**169.**—(1) If, in the information circular required by subsection 1 of section 118, reference is made to action proposed to be taken at an annual meeting of shareholders with respect to the appointment of an auditor other than the incumbent auditor, the corporation shall, fifteen days or more before the mailing of the notice of the meeting, give to the incumbent auditor written notice of management's intention not to recommend his re-appointment at the annual meeting, specifying therein the date on which the notice of the meeting is proposed to be mailed.

Right of  
incumbent  
auditor  
to make  
represent-  
ations

(2) The incumbent auditor has the right to make to the corporation, three days or more before the mailing of the notice of the meeting, representations in writing concerning the proposal not to re-appoint him as auditor, and the corporation, at its expense, shall forward with the notice of the meeting a copy of such representations to each shareholder entitled to receive notice of the meeting. *New*.

Persons  
disqualified  
as auditors

**170.**—(1) No person shall be appointed or act as auditor of a corporation who is a director, officer or employee of the corporation or of an affiliate of the corporation or who is a partner, employer or employee of any such director, officer or employee or who is a related person to any director or officer of the corporation or of an affiliate of the corporation. R.S.O. 1960, c. 71, s. 81 (1), *amended*.

Idem

(2) No person shall be appointed or act as auditor of a corporation if he or any partner or employer of or related person to him beneficially owns, directly or indirectly, any securities of the corporation or of a subsidiary thereof or, if the corporation is a subsidiary, any securities of its holding corporation.

Where  
subs. 2  
does not  
apply

(3) Subsection 2 does not apply to a person, partner, employer or related person, as the case may be, if the person, partner, employer or related person is not empowered to decide whether securities of the corporation or its holding corporation, as the case may be, are to be beneficially owned, directly or indirectly, by him, or if he is not entitled to vote in respect thereof.

(4) Where, on the date this section comes into force, an <sup>Idem</sup> auditor or his partner, employer or related person owns securities as set out in subsection 2, notwithstanding subsection 2, he may for a period of two years from the date this section comes into force continue to act as auditor if he discloses in the report required under subsection 2 of section 171 that he or his partner, employer or related person so owns such securities but, at the expiration of such period, he shall cease to act as auditor unless he or his partner, employer or related person, as the case may be, has disposed of such securities.

(5) No person shall be appointed a receiver or a receiver <sup>Auditors not to be appointed receivers, etc.</sup> and manager or liquidator of any corporation of which he or any partner or employer of or a related person to him is the auditor or has been auditor within the two years preceding his appointment as receiver or receiver and manager or liquidator.

(6) No person who is appointed a trustee of the estate of a <sup>Trustee in bankruptcy not to be auditor</sup> corporation under the *Bankruptcy Act* (Canada) or any partner or employer of or a related person to him shall be appointed or act as auditor of the corporation. *New.* <sup>R.S.C. 1952, c. 14</sup>

**171.**—(1) The auditor shall make such examination as will <sup>Annual audit</sup> enable him to report to the shareholders as required by subsection 2. R.S.O. 1960, c. 71, s. 82 (1).

(2) The auditor shall make a report to the shareholders on the financial statement, other than the part thereof that relates to the period referred to in subclause ii of clause b of subsection 1 of section 172, to be laid before the corporation at any annual meeting during his term of office and shall state in his report whether in his opinion the financial statement referred to therein presents fairly the financial position of the corporation and the results of its operations for the period under review in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period, if any. R.S.O. 1960, c. 71, s. 82 (2); 1964, c. 10, s. 2; 1966, c. 28, s. 6 (1), *amended.* <sup>Auditor's report</sup>

(3) Where the report under subsection 2 does not contain <sup>Idem</sup> the unqualified opinion required thereby the auditor shall state in his report the reasons therefor.

(4) Where facts come to the attention of the officers or <sup>Facts discovered after statement</sup> directors which, if known prior to the date of the last annual general meeting of shareholders, would have required a material adjustment to the financial statement presented to such meetings, the officers or directors shall communicate such facts to the auditor who reported to the shareholders under this section and the directors shall forthwith amend the financial statement and send it to the auditor.

Amendment  
of  
auditor's  
report

(5) On the receipt of facts furnished under subsection 4 or from any other source, the auditor shall, if in his opinion it is necessary, amend his report in respect of the financial statement in accordance with subsection 3 and the directors or, if they fail to do so within a reasonable time, the auditor shall mail such amended report to the shareholders. *New.*

Idem

(6) If the financial statement contains a statement of changes in net assets or a statement of source and application of funds, the auditor shall include in his report a statement whether in his opinion, in effect, the statement of changes in net assets or the statement of source and application of funds presents fairly the information shown therein. 1966, c. 28, s. 6 (2), *amended.*

Idem

(7) Whether or not the assets and liabilities and income and expense of any one or more subsidiaries of a holding corporation are included in the financial statement of the holding corporation, the report of the auditor of the holding corporation required by subsection 2 may refer to the reports of auditors of one or more of such subsidiaries, but such reference shall not derogate from the duty of the auditor of the holding corporation to comply with subsection 2. *New.*

Idem

(8) The auditor in his report shall make such statements as he considers necessary,

- (a) if the corporation's financial statement is not in agreement with its accounting records;
- (b) if the corporation's financial statement is not in accordance with the requirements of this Act;
- (c) if he has not received all the information and explanations that he has required; or
- (d) if proper accounting records have not been kept, so far as appears from his examination. R.S.O. 1960, c. 71, s. 82 (3).

Right of  
access, etc.

(9) The auditor of a corporation has right of access at all times to all records, documents, accounts and vouchers of the corporation and is entitled to require from the directors, officers and employees of the corporation such information and explanation as in his opinion are necessary to enable him to report as required by subsection 2. R.S.O. 1960, c. 71, s. 82 (4), *amended.*

Idem

(10) The auditor of a holding corporation has right of access at all times to all records, documents, accounts and vouchers of all subsidiaries of the corporation and is entitled to require from the directors, officers and employees of each such sub-

sidiary

sidiary such information and explanation as in his opinion are necessary to enable him to report as required by subsection 2. *New.*

(11) Where a subsidiary referred to in subsection 10 is a body <sup>Idem</sup> corporate to which this Act does not apply, the holding corporation shall make available to its auditor the records, documents, accounts and vouchers of that subsidiary and shall require the directors, officers and employees of that subsidiary to make available to its auditor the information and explanation required by subsection 10.

(12) The auditor of a corporation is entitled to attend any <sup>Auditor may attend shareholders' meetings</sup> meeting of shareholders of the corporation and to receive all notices and other communications relating to any such meeting that a shareholder is entitled to receive, and to be heard at any such meeting that he attends on any part of the business of the meeting that concerns him as auditor. R.S.O. 1960, c. 71, s. 82 (5).

(13) Any shareholder of a corporation, whether or not he is <sup>Shareholder may require auditor's attendance at shareholders' meetings</sup> entitled to vote at meetings of shareholders, may, by notice in writing to the corporation given five days or more before any meeting of shareholders, require the attendance of the auditor at such meeting at the corporation's expense, and in such event the auditor shall attend the meeting.

(14) At any meeting of shareholders the auditor, if present, <sup>Auditors must answer inquiries at shareholders' meetings</sup> shall answer inquiries directed to him concerning the bases upon which he formed the opinion stated in the report made under subsection 2. *New.*

**172.**—(1) The directors shall lay before each annual <sup>Information to be laid before annual meeting</sup> meeting of shareholders,

- (a) in the case of a corporation that is not offering its securities to the public, a financial statement for the period that commenced on the date of incorporation and ended not more than six months before the annual meeting or, if the corporation has completed a financial year, that commenced immediately after the end of the last completed financial year and ended not more than six months before the annual meeting, as the case may be, made up of,
  - (i) a statement of profit and loss for such period,
  - (ii) a statement of surplus for such period, and
  - (iii) a balance sheet as at the end of such period;
- (b) in the case of a corporation that is offering its securities to the public, a comparative financial statement relating separately to,

- (i) the period that commenced on the date of incorporation and ended not more than six months before the annual meeting or, if the corporation has completed a financial year, that commenced immediately after the end of the last completed financial year and ended not more than six months before the annual meeting, as the case may be, and
- (ii) the period covered by the financial year next preceding such latest completed financial year, if any,

made up of,

- (iii) a statement of profit and loss for each period,
- (iv) a statement of surplus for each period,
- (v) in the case of a corporation that is a mutual fund company or investment company as defined in the regulations under *The Securities Act, 1966*, a statement of changes in net assets for each period,
- (vi) in the case of a corporation other than one referred to in subclause v, a statement of source and application of funds for each period, and
- (vii) a balance sheet as at the end of each period;

(c) the report of the auditor to the shareholders; and

- (d) such further information respecting the financial position of the corporation as the articles or by-laws of the corporation require. R.S.O. 1960, c. 71, s. 83 (1); 1966, c. 28, s. 7 (1), *amended*.

Designation  
of  
statements

(2) It is not necessary to designate the statements referred to in subsection 1 as the statement of profit and loss, statement of surplus, statement of changes in net assets, statement of source and application of funds and balance sheet. 1966, c. 28, s. 7 (2), *amended*.

Auditor's  
report  
to be read

(3) The report of the auditor to the shareholders shall be read at the annual meeting and shall be open to inspection at the meeting by any shareholder. R.S.O. 1960, c. 71, s. 83 (3).

Statement  
of profit  
and loss

**173.**—(1) The statement of profit and loss to be laid before an annual meeting shall be drawn up so as to present fairly the results of the operations of the corporation for the period covered by the statement and so as to distinguish severally at least,

(a)

- (a) in the case of a corporation that is offering its securities to the public, sales or gross operating revenue;
- (b) the operating profit or loss before including or providing for other items of income or expense that are required to be shown separately;
- (c) income from investments in subsidiaries whose financial statements are not consolidated with those of the corporation;
- (d) income from investments in affiliated corporations other than subsidiaries;
- (e) income from other investments;
- (f) non-recurring profits and losses of significant amount including profits or losses on the disposal of capital assets and other items of a special nature to the extent that they are not shown separately in the statement of earned surplus;
- (g) any provision for depreciation or for obsolescence or for depletion;
- (h) amounts written off for goodwill or amortization of any other intangible assets to the extent that they are not shown separately in the statement of earned surplus;
- (i) interest on indebtedness initially incurred for a term of more than one year, including amortization of debt discount or premium and expense; and
- (j) taxes on income imposed by any taxing authority,

and shall show the net profit or loss for the financial period. R.S.O. 1960, c. 71, s. 84 (1); 1966, c. 28, s. 8 (1, 2), *amended*.

(2) Notwithstanding subsection 1, items of the nature<sup>Notes</sup> described in clauses *g* and *h* of subsection 1 may be shown by way of note to the statement of profit and loss. R.S.O. 1960, c. 71, s. 84 (2); 1966, c. 28, s. 8 (3).

(3) A corporation that is offering its securities to the public may apply to the Commission for an order permitting sales or gross operating revenue referred to in clause *a* of subsection 1 of this section or subclause *i* of clause *c* of subsection 1 of section 185 to be omitted from the statement of profit and loss or the interim financial statement, as the case may be, and the Commission may, on such terms and conditions as it may impose, permit such omission where it is satisfied that in the circumstances the disclosure of such information would be unduly detrimental to the interests of the corporation. 1966, c. 28, s. 8 (4), *part, amended*.

Order for omission of sales or gross operating revenue

Mutual  
fund or  
investment  
companies  
1966, c. 142

(4) The statement of profit and loss of a mutual fund company or an investment company, as defined in the regulations under *The Securities Act, 1966*, shall also distinguish the average net investment income per share and an item of this nature may be shown by way of note to the statement of profit and loss. *New.*

Statement  
of surplus

**174.**—(1) The statement of surplus to be laid before an annual meeting shall be drawn up so as to present fairly the transactions reflected in the statement and shall show separately a statement of contributed surplus and a statement of earned surplus.

Contributed  
surplus

(2) The statement of contributed surplus shall be drawn up so as to include and distinguish at least the following items:

1. The balance of such surplus at the end of the preceding financial period.
2. The additions to and deductions from such surplus during the financial period including,
  - i. the amount of surplus arising from the issue of shares or the reorganization of the corporation's issued capital, including *inter alia*,
    - a. the amount of premiums received on the issue of shares at a premium,
    - b. the amount of surplus realized on the purchase for cancellation of shares, and
  - ii. donations of cash or other property by shareholders.
3. The balance of such surplus at the end of the financial period.

Earned  
surplus

(3) The statement of earned surplus shall be drawn up so as to distinguish at least the following items:

1. The balance of such surplus at the end of the preceding financial period.
2. The additions to and deductions from such surplus during the financial period and without restricting the generality of the foregoing at least the following:
  - i. The amount of the net profit or loss for the financial period.
  - ii. The amount of dividends declared on each class of shares.
  - iii. The amount transferred to or from reserves.

3. The balance of such surplus at the end of the financial period. R.S.O. 1960, c. 71, s. 85.

**175.**—(1) The statement of changes in net assets referred to in subclause *v* of clause *b* of subsection 1 of section 172 and clause *a* of subsection 1 of section 185 shall be drawn up so as to present fairly the information shown therein for the period and shall show separately at least,

Statement  
of changes  
in net assets

- (a) net assets at beginning of the period;
- (b) net investment income or loss;
- (c) aggregate proceeds on sale of portfolio securities;
- (d) aggregate cost of portfolio securities owned at beginning of the period;
- (e) aggregate cost of purchases of portfolio securities;
- (f) aggregate cost of portfolio securities owned at end of the period;
- (g) aggregate cost of portfolio securities sold;
- (h) realized profit or loss on securities sold;
- (i) distributions, showing separately the amount out of net investment income and out of realized profits;
- (j) proceeds from shares issued;
- (k) cost of shares redeemed;
- (l) net increase or decrease in unrealized appreciation or depreciation of portfolio securities;
- (m) net assets at end of the period;
- (n) net asset value per share at end of the period;
- (o) net asset value per share at beginning of the period;
- (p) distribution per share out of net investment income;
- (q) distribution per share out of realized profits.

(2) Notwithstanding subsection 1, items of the nature described in clauses *n*, *o*, *p* and *q* of subsection 1 may be shown by way of note to the statement of changes in net assets.

Note to  
statement

*New.*

Statement  
of source  
and  
application  
of funds

**176.** The statement of source and application of funds referred to in subclause vi of clause *b* of subsection 1 of section 172 and clause *b* of subsection 1 of section 185 shall be drawn up so as to present fairly the information shown therein for the period, and shall show separately at least,

(a) funds derived from,

- (i) current operations,
- (ii) sale of non-current assets, segregating investments, fixed assets and intangible assets,
- (iii) issue of debt obligations or other indebtedness maturing more than one year after issue, and
- (iv) issue of shares; and

(b) funds applied to,

- (i) purchase of non-current assets, segregating investments, fixed assets and intangible assets,
- (ii) redemption or other retirement of debt obligations or repayment of other indebtedness maturing more than one year after issue,
- (iii) redemption or other retirement of shares, and
- (iv) payment of dividends. 1966, c. 28, s. 9.

Balance  
sheet

**177.—**(1) The balance sheet to be laid before an annual meeting shall be drawn up so as to present fairly the financial position of the corporation as at the date to which it is made up and so as to distinguish severally at least the following:

1. Cash.
2. Debts owing to the corporation from its directors, officers or shareholders, except debts of reasonable amount arising in the ordinary course of its business that are not overdue having regard to its ordinary terms of credit.
3. Debts owing to the corporation, whether on account of a loan or otherwise, from subsidiaries whose financial statements are not consolidated with those of the corporation.
4. Debts owing to the corporation, whether on account of a loan or otherwise, from affiliated corporations other than subsidiaries.

5. Other debts owing to the corporation segregating those that arose otherwise than in the ordinary course of its business.
6. Inventory, stating the basis of valuation.
7. Shares, bonds, debentures and other investments owned by the corporation, except those referred to in paragraphs 8 and 9, stating their nature and the basis of their valuation and showing separately those that are marketable with a notation of their market value.
8. Securities of subsidiaries whose financial statements are not consolidated with those of the corporation, stating the basis of valuation.
9. Securities of affiliated corporations other than subsidiaries, stating the basis of valuation.
10. Lands, buildings, and plant and equipment, stating the basis of valuation, whether cost or otherwise, and, if valued on the basis of an appraisal, the date of appraisal, the name of the appraiser, the basis of the appraisal value and, if such appraisal took place within five years preceding the date to which the balance sheet is made up, the disposition in the accounts of the corporation of any amounts added to or deducted from such assets on appraisal and also the amount or amounts accumulated in respect of depreciation, obsolescence and depletion.
11. There shall be stated under separate headings, in so far as they are not written off,
  - i. expenditures on account of future business,
  - ii. any expense incurred in connection with any issue of shares,
  - iii. any expense incurred in connection with any issue of debt obligations, including any discount thereon, and
  - iv. any one or more of the following: goodwill, franchises, patents, copyrights, trade marks and other intangible assets and the amount, if any, by which the value of any such assets has been written up within a period of five years preceding the date to which the balance sheet is made up.

12. The aggregate amount of any outstanding loans or guarantees under clauses *c* and *d* of subsection 2 of section 17.
13. Bank loans and overdrafts.
14. Debts owing by the corporation on loans from its directors, officers or shareholders.
15. Debts owing by the corporation to subsidiaries whose financial statements are not consolidated with those of the corporation, whether on account of a loan or otherwise.
16. Debts owing by the corporation to affiliated corporations other than subsidiaries, whether on account of a loan or otherwise.
17. Other debts owing by the corporation, segregating those that arose otherwise than in the ordinary course of its business.
18. Liability for taxes, including the estimated liability for taxes in respect of the income of the period covered by the statement of profit and loss.
19. Dividends declared but not paid.
20. Deferred income.
21. Debt obligations issued by the corporation, stating the interest rate, the maturity date, the amount outstanding and the existence of sinking fund, redemption requirements and conversion rights, if any.
22. The authorized capital, giving the number of each class of shares and a brief description of each such class, and indicating therein any class of shares that is redeemable and the redemption price thereof.
23. The issued capital, giving the number of shares of each class issued and outstanding and the amount received therefor that is attributable to capital, and showing,
  - i. the number of shares of each class issued since the date of the last preceding balance sheet and the value attributed thereto, distinguishing shares issued for cash, shares issued for services and shares issued for other consideration, and
  - ii.

- ii. where any shares issued before this Act comes into force have not been fully paid,
  - a. the number of shares in respect of which calls have not been made and the aggregate amount that has not been called, and
  - b. the number of shares in respect of which calls have been made and not paid and the aggregate amount that has been called and not paid.

24. Contributed surplus.

25. Earned surplus.

26. Reserves, showing the amounts added thereto and the amounts deducted therefrom during the financial period.

27. The number of common shares purchased and the number of the common shares resold since the date of the last preceding balance sheet, giving the date of each such purchase and resale and the price at which each such purchase or resale was made. R.S.O. 1960, c. 71, s. 86 (1); 1966, c. 28, s. 10 (1-3), *amended*.

(2) Explanatory information or particulars of any item <sup>Notes</sup> mentioned in subsection 1 may be shown by way of note to the balance sheet. R.S.O. 1960, c. 71, s. 86 (2).

**178.**—(1) There shall be stated by way of note to the <sup>Notes to financial statement</sup> financial statement particulars of any change in accounting principle or practice or in the method of applying any accounting principle or practice made during the period covered that affects the comparability of any of the statements with any of those for the preceding period, and the effect, if material, of any such change upon the profit or loss for the period. R.S.O. 1960, c. 71, s. 87 (1).

(2) For the purpose of subsection 1, a change in accounting <sup>Change in accounting practice</sup> principle or practice or in the method of applying any accounting principle or practice affects the comparability of a statement with that for the preceding period, even though such change did not have a material effect upon the profit or loss for the period. 1962-63, c. 24, s. 3 (1).

(3) Where applicable, the following matters shall be referred <sup>Idem</sup> to in the financial statement or by way of note thereto:

1. The basis of conversion of amounts from currencies other than the currency in which the financial statement is expressed.
2. Foreign currency restrictions that affect the assets of the corporation.
3. Contractual obligations that will require abnormal expenditures in relation to the corporation's normal business requirements or financial position or that are likely to involve losses not provided for in the accounts.
4. Material contractual obligations in respect of long-term leases, including, in the year in which the transaction was effected, the principal details of any sale and lease transaction.
5. Contingent liabilities, stating their nature and, where practicable, the approximate amounts involved.
6. Any liability secured otherwise than by operation of law on any asset of the corporation, stating the liability so secured.
7. Any default of the corporation in principal, interest, sinking fund or redemption provisions with respect to any issue of its debt obligations or credit agreements.
8. The gross amount of arrears of dividends on any class of shares and the date to which such dividends were last paid.
9. Where a corporation has contracted to issue shares or has given an option to purchase shares, the class and number of shares affected, the price and the date for issue of the shares or exercise of the option.
10. Where a corporation has contracted to purchase or resell common shares, the number of shares affected and price and date for the purchase or resale.
11. The aggregate direct remuneration paid or payable by the corporation and its subsidiaries whose financial statements are consolidated with those of the corporation to the directors and the senior officers and, as a separate amount, the aggregate direct remuneration paid or payable to such directors and senior officers by the subsidiaries of the corporation whose financial statements are not consolidated with those of the corporation.

12. In the case of a holding corporation, the aggregate of any shares in, and the aggregate of any debt obligations of, the holding corporation held by subsidiary corporations whose financial statements are not consolidated with those of the holding corporation.
13. The amount of any loans by the corporation, or by a subsidiary corporation, otherwise than in the ordinary course of business, during the corporation's financial period, to the directors or officers of the corporation.
14. Any restriction by the articles or by-laws of the corporation or by contract on the payment of dividends that is significant in the light of the corporation's financial position.
15. Any event or transaction, other than one in the normal course of business operations, between the date to which the financial statement is made up and the date of the auditor's report thereon that materially affects the financial statement.
16. In the case of a corporation that is offering its securities to the public, the amount of any obligation for pension benefits arising from service before the date of the balance sheet, whether or not such obligation has been provided for in the accounts of the corporation, the manner in which the corporation proposes to satisfy such obligation and the basis on which it has charged or proposes to charge the related costs against operations.
17. Brief particulars of any action to which the corporation is a party commenced under section 99 during the period. R.S.O. 1960, c. 71, s. 87 (2); 1962-63, c. 24, s. 3 (2); 1966, c. 28, s. 11, *amended*.

(4) A note to a financial statement is a part of it. R.S.O. *Idem* 1960, c. 71, s. 87 (3).

**179.**—(1) A corporation, in this section referred to as <sup>Consolidated</sup> "the holding corporation", may include in the financial statement to be submitted at an annual meeting the assets and liabilities and income and expense of any one or more of its subsidiaries, making due provision for minority interests, if any, and indicating in such financial statement that it is presented in consolidated form. <sup>financial statement</sup>

Non-  
consolidated  
financial  
statements

(2) Where the assets and liabilities and income and expense of any one or more subsidiaries of the holding corporation are not so included in the financial statement of the holding corporation,

(a) the financial statement of the holding corporation shall include a statement setting forth,

- (i) the reason why the assets and liabilities and income and expense of such subsidiary or subsidiaries are not included in the financial statement of the holding corporation,
- (ii) if there is only one such subsidiary, the amount of the holding corporation's proportion of the profit or loss of the subsidiary for the financial period coinciding with or ending in the financial period of the holding corporation, or, if there is more than one such subsidiary, the amount of the holding corporation's proportion of the aggregate profits less losses, or losses less profits, of all the subsidiaries for the respective financial periods coinciding with or ending in the financial period of the holding corporation,
- (iii) the amount included as income from such subsidiary or subsidiaries in the statement of profit and loss of the holding corporation and the amount included therein as a provision for the loss or losses of the subsidiary or subsidiaries,
- (iv) if there is only one such subsidiary, the amount of the holding corporation's proportion of the undistributed profits of the subsidiary earned since the acquisition of the shares of the subsidiary by the holding corporation to the extent that such amount has not been taken into the accounts of the holding corporation, or, if there is more than one such subsidiary, the amount of the holding corporation's proportion of the aggregate undistributed profits of all the subsidiaries earned since the acquisition of their shares by the holding corporation less its proportion of the losses, if any, suffered by any subsidiary since the acquisition of its shares to the extent that such amount has not been taken into the accounts of the holding corporation,

- (v) any qualifications contained in the report of the auditor of any such subsidiary on its financial statement for the financial period ending as aforesaid, and any note or reference contained in that financial statement to call attention to a matter that, apart from the note or reference, would properly have been referred to in such a qualification, in so far as the matter that is the subject of the qualification or note is not provided for by the corporation's own financial statement and is material from the point of view of its shareholders;
- (b) if for any reason the directors of the holding corporation are unable to obtain such information as is necessary for the preparation of the statement that is to be included in the financial statement of the holding corporation, the directors who sign the financial statement shall so report in writing and their report shall be included in the financial statement in lieu of the statement;
- (c) if, in the opinion of the auditor of the holding corporation, adequate provision has not been made in the financial statement of the holding corporation for the holding corporation's proportion,
  - (i) where there is only one such subsidiary, of the loss of the subsidiary suffered since acquisition of its shares by the holding corporation, or
  - (ii) where there is more than one such subsidiary, of the aggregate losses suffered by the subsidiaries since acquisition of their shares by the holding corporation in excess of its proportion of the undistributed profits, if any, earned by any of the subsidiaries since such acquisition,

the auditor shall state in his report the additional amount that in his opinion is necessary to make full provision therefor. R.S.O. 1960, c. 71, s. 89, *amended*.

(3) Whether or not the assets and liabilities and income and expense of any one or more subsidiaries of a holding corporation are included in the financial statement of the holding corporation, true copies of the latest financial statement of the subsidiary or subsidiaries shall be kept on hand by the holding corporation at its head office and shall be open to examination by the shareholders of the holding corporation

Copies of  
subsidiary  
statements

on request during the normal business hours of the holding corporation, but the directors of the holding corporation may by resolution refuse the right of such examination if the examination would be unduly detrimental to the interests of the corporation or the subsidiary or subsidiaries.

Setting  
aside  
resolution

(4) A resolution referred to in subsection 3 may, on the application of any shareholder,

- (a) be set aside by the Commission where the corporation is offering its securities to the public; or
- (b) be set aside by the court where the corporation is not offering its securities to the public. R.S.O. 1960, c. 71, s. 89 (2) (c), *amended*.

Insigni-  
ficant  
circum-  
stances

**180.** Notwithstanding sections 173 to 179, it is not necessary to state in a financial statement any matter that in all the circumstances is of relative insignificance. R.S.O. 1960, c. 71, s. 88.

Reserve

**181.** In a financial statement, the term "reserve" shall be used to describe only,

- (a) amounts appropriated from earned surplus at the discretion of management for some purpose other than to meet a liability or contingency known or admitted or a commitment made as at the statement date or a decline in value of an asset that has already occurred;
- (b) amounts appropriated from earned surplus pursuant to the articles or by-laws of the corporation for some purpose other than to meet a liability or contingency known or admitted or a commitment made as at the statement date or a decline in value of an asset that has already occurred; and
- (c) amounts appropriated from earned surplus in accordance with the terms of a contract and that can be restored to the earned surplus when the conditions of the contract are fulfilled. R.S.O. 1960, c. 71, s. 91.

Audit  
committee

**182.—(1)** The directors of a corporation that is offering its securities to the public shall elect annually from among their number a committee to be known as the audit committee to be composed of not fewer than three directors, of whom a majority shall not be officers or employees of the corporation or an affiliate of the corporation, to hold office until the next annual meeting of the shareholders.

(2) The members of the audit committee shall elect a chair-<sup>Chairman</sup> man from among their number.

(3) The corporation shall submit the financial statement<sup>Review</sup> to the audit committee for its review and the financial statement shall thereafter be submitted to the board of directors.

(4) The auditor has the right to appear before and be heard<sup>Hearing of auditor</sup> at any meeting of the audit committee and shall appear before the audit committee when required to do so by the committee.

(5) Upon the request of the auditor, the chairman of the<sup>Idem</sup> audit committee shall convene a meeting of the committee to consider any matters the auditor believes should be brought to the attention of the directors or shareholders. *New.*

**183.** The financial statement shall be approved by the<sup>Approval by directors</sup> board of directors and the approval shall be evidenced by the signature at the foot of the balance sheet by two of the directors duly authorized to sign or by the director where there is only one and the auditor's report shall be attached to or accompany the financial statement. R.S.O. 1960, c. 71, s. 92, *amended.*

**184.—**(1) A corporation that is offering its securities to<sup>Mailing of financial statement to shareholders</sup> the public shall, twenty-one days or more before the date of the annual meeting of shareholders, send by prepaid mail to each shareholder at his latest address as shown on the records of the corporation a copy of the financial statement and a copy of the auditor's report.

(2) The directors of such corporation shall send by prepaid<sup>Idem</sup> mail to each such shareholder a copy of any financial statement and auditor's report amended under subsections 4 and 5 of section 171.

(3) A shareholder of a corporation that is not offering its<sup>Financial statement, on demand</sup> securities to the public is entitled to be furnished by the corporation on demand with a copy of the documents mentioned in subsection 1. R.S.O. 1960, c. 71, s. 93, *amended.*

**185.—**(1) A corporation that is offering its securities to<sup>Comparative interim financial statement</sup> the public shall send to each shareholder a copy of a comparative interim financial statement for the six-month period that commenced on the date of incorporation or, if the corporation has completed a financial year, for the six-month period that commenced immediately after the end of the last completed financial year and for the comparable six-month period, if any, in the twelve months immediately preceding the commencement of the six-month period in respect of which such interim financial statement is issued, made up of,

1966, c. 142

- (a) in the case of a corporation that is a mutual fund company or investment company as defined in the regulations under *The Securities Act, 1966*, a statement of changes in net assets for each period that complies with section 175;
- (b) in the case of a corporation other than one referred to in clause *a*, a statement of source and application of funds for each period that complies with section 176; and
- (c) sufficient relevant financial information in summary form to present fairly the results of the operations of the corporation for each period, including,
  - (i) a statement of sales or gross operating revenue,
  - (ii) extraordinary items of income or expense,
  - (iii) net income before taxes on income imposed by any taxing authority,
  - (iv) taxes on income imposed by any taxing authority, and
  - (v) net profit or loss. 1966, c. 28, s. 13, *part*, *amended*.

Variation  
of period

(2) Upon the application of any interested person, the Commission may, if satisfied that in the circumstances of the particular case there is adequate justification for so doing, make an order upon such terms and conditions as seem to the Commission just and expedient, exempting in whole or in part a corporation from the requirements of subsection 1 or permitting the comparative interim financial statement of a corporation to be for such period other than six months that is specified in the order. *New*.

Idem

(3) There shall be stated by way of note to the interim financial statement required by subsection 1 particulars of any change in accounting principle or practice or in the method of applying any accounting principle or practice made during the period covered that affects the comparability of such statement with the statement for the preceding period or with the interim financial statement for a part of the preceding period, and the effect, if material, of any such change upon the profit or loss for the period covered by the interim financial statement.

Idem

(4) For the purpose of subsection 3, a change in accounting principle or practice or in the method of applying any accounting principle or practice affects the comparability of a statement with that for the preceding period or part thereof,

even though such change did not have a material effect upon the profit or loss for the period covered by the interim financial statement.

(5) The interim financial statement required by subsection 1 shall be sent by prepaid mail to each shareholder, within sixty days of the date to which it is made up, at his latest address as shown on the records of the corporation. 1966, c. 28, s. 13, *part, amended*. <sup>Idem</sup>

#### INVESTIGATIONS

**186.**—(1) Upon application by a shareholder of a corporation, the court, if satisfied that the application is made in good faith and that it is *prima facie* in the interests of the corporation or the holders of its securities to do so, may make an order, upon such terms as to the costs of the investigation or audit or otherwise as to the court seems fit, appointing an inspector to investigate the affairs and management of the corporation or any affiliate of the corporation, or both, and to audit the accounts and records of the corporation or any affiliate thereof named in the order. R.S.O. 1960, c. 71, s. 321 (1), *amended*. <sup>Investigations and audits</sup>

(2) An order may be made under subsection 1 whether or not there has been disclosure to the shareholders of the corporation of information relating to any matter on the basis of which the order is made. *New*. <sup>Idem</sup>

(3) Every director, officer, agent, employee, banker and auditor of the corporation or of any affiliate of the corporation named in the order and every other person shall produce for the examination of the inspector all accounts and records of or relating to the corporation or affiliate in their custody or control. <sup>Production of accounts and records</sup>

(4) The inspector may examine upon oath any present or former director, officer, agent or employee of the corporation or affiliate in relation to its affairs, management, accounts and records. R.S.O. 1960, c. 71, s. 321 (7, 8), *amended*. <sup>Examination may be upon oath</sup>

(5) The court may, on the application of the inspector, on such terms and conditions as it sees fit, order any person not mentioned in subsection 4 to attend and be examined under oath before the inspector on any matter relevant to the investigation or audit. *New*. <sup>Court order for examination</sup>

(6) Every director, officer, agent or employee who refuses to produce any account or record referred to in subsection 3 and every banker or auditor who refuses to produce any account or record referred to in subsection 4 and every person examined under subsection 5 who refuses to answer any <sup>Offences</sup>

question related to the affairs and management of the corporation or any affiliate is guilty of an offence under section 259, in addition to any other liability to which he is subject. R.S.O. 1960, c. 71, s. 321 (9), *amended*.

Inspector's  
report

(7) The inspector shall make a report to the court and shall forward a copy of the report to the corporation and any affiliate of the corporation named in the order and to the person who made the application under subsection 1. *New*.

Corporation  
may appoint  
inspector  
for same  
purpose

**187.**—(1) A corporation may, by resolution passed at an annual meeting of shareholders or a general meeting of shareholders called for that purpose, appoint an inspector to investigate its affairs and management.

Powers  
and  
duties of  
inspector

(2) The inspector appointed under subsection 1 has the same powers and shall perform the same duties as an inspector appointed under section 186 and he shall make his report in such manner and to such persons as the corporation by resolution of the shareholders directs. R.S.O. 1960, c. 71, s. 321 (5, 6), *amended*.

Report  
admissible  
in  
proceedings

**188.** A copy of the report of the inspector authenticated by the court or in the case of an investigation under section 187 by the inspector is admissible in any legal proceeding as evidence of the opinion of the inspector in relation to any matter contained in the report. R.S.O. 1960, c. 71, s. 321 (10), *amended*.

## REORGANIZATION

### *Amendment of Articles*

Amend-  
ments

**189.**—(1) A corporation may, from time to time, amend its articles of incorporation to,

- (a) change its name;
- (b) extend, limit or otherwise vary its objects;
- (c) increase its authorized capital;
- (d) decrease,
  - (i) its authorized capital by cancelling shares, whether issued or unissued and whether with par value or without par value, or by reducing the par value of issued or unissued shares, or
  - (ii) its issued capital, if it has shares without par value,

and

and, where it has more capital than it requires, to authorize the repayment of capital to the shareholders to the extent that the issued capital is decreased in any way under this clause;

- (e) redivide its authorized capital into shares of lesser or greater par value;
- (f) consolidate or subdivide any of its shares without par value;
- (g) change any of its shares with par value into shares without par value;
- (h) change any of its shares without par value into shares with par value;
- (i) redesignate any class of shares;
- (j) reclassify any shares with or without par value into shares of a different class;
- (k) delete or vary any provision in its articles;
- (l) provide for any other matter or thing that is authorized by this Act to be set out in the articles or that could be the subject of a by-law of the corporation;
- (m) provide for restrictions on the transfer of the shares or any class thereof.

(2) An amendment under clauses *a* to *l* of subsection 1 shall be authorized by a special resolution.

(3) An amendment under clause *m* of subsection 1 shall be authorized by a resolution of the board of directors and confirmed in writing,

- (a) by 100 per cent of the shareholders; or
- (b) by at least 95 per cent of the shareholders holding at least 95 per cent of the issued capital,

but, in the case of confirmation under clause *b*, the resolution is not effective until twenty-one days notice of the resolution has been given by sending the notice to each shareholder to his latest address as shown on the records of the corporation and only if at the expiration of the twenty-one days none of the shareholders has dissented in writing to the corporation.

(4) If the amendment is to delete or vary a preference, right, condition, restriction, limitation or prohibition attaching to a class of special shares or to create special shares

Additional authorization for variation of rights of special shareholders

ranking in any respect in priority to or on a parity with an existing class of special shares, then, in addition to the confirmation required by subsection 2, the resolution is not effective until it has been confirmed,

- (a) by 100 per cent of the holders of the shares of such class or classes of shares in writing; or
- (b) in writing by at least 95 per cent of the holders of the shares of such class or classes of shares holding at least 95 per cent of the issued shares of such class or classes and after twenty-one days notice of the resolution and confirmation has been given by sending the notice to each of the holders of shares of such class or classes to his latest address as shown on the records of the corporation and only if at the expiration of twenty-one days none of the holders of such class or classes has dissented in writing to the corporation; or
- (c) if the articles so provide, by at least two-thirds of the votes cast at a meeting of the holders of such class or classes of shares duly called for that purpose or such greater proportion of the votes cast as the articles provide,

and by such additional authorization as the articles provide. R.S.O. 1960, c. 71, s. 33 (1-5), *amended*.

#### Exception

(5) Where an amendment to the articles that could be made under this section is made as part of an arrangement under sections 193, 194 and 195, the procedure provided for in those sections and not the procedure provided for in this section applies to the amendment.

#### Special Act cor- porations excepted

(6) This section does not apply to a corporation incorporated by special Act, except that a corporation incorporated by special Act may under this section amend its articles to change its name. R.S.O. 1960, c. 71, s. 33 (8, 9), *amended*.

#### Articles of amendment

**190.**—(1) For the purpose of bringing an amendment to the articles into effect, the corporation shall deliver to the Minister, within six months after the resolution has become effective, articles of amendment in duplicate, executed under the seal of the corporation and signed by two officers, or by one director and one officer, of the corporation and verified by affidavit of one of the officers or directors signing the articles of amendment, setting out,

- (a) the name of the corporation;

(b)

- (b) a certified copy of the resolution;
- (c) that the amendment has been duly authorized as required by subsections 2, 3 and 4 of section 189; and
- (d) the date of the confirmation of the resolution by the shareholders. R.R.O. 1960, Reg. 61, s. 35, *amended*.

(2) Where the articles of amendment are to change the <sup>Change of name</sup> name of the corporation, the articles of amendment shall be accompanied by evidence that establishes to the satisfaction of the Minister that the corporation is not insolvent. R.R.O. 1960, Reg. 60, s. 4 (3), *amended*.

(3) Where the articles of amendment are to decrease the <sup>Decrease of capital</sup> authorized or issued capital, the articles of amendment shall be accompanied by evidence that establishes to the satisfaction of the Minister that the corporation is not insolvent and that the decrease will not render the corporation insolvent, and, if required by the Minister, by evidence that establishes to his satisfaction that no creditors object to the amendment. R.S.O. 1960, c. 71, s. 34.

(4) Where the articles of amendment are to make any <sup>Pro forma balance sheet</sup> change in the authorized or issued capital, the articles of amendment shall, if required by the Minister, be accompanied by a *pro forma* balance sheet after giving effect to the proposed change. R.R.O. 1960, Reg. 60, s. 4 (1) (d), *amended*.

**191.**—(1) If the articles of amendment conform to law, <sup>Certificate of amendment</sup> the Minister shall, when all prescribed fees have been paid,

- (a) endorse on each duplicate of the articles of amendment the word "Filed" and the day, month and year of the filing thereof;
- (b) file one of the duplicates in his office; and
- (c) issue to the corporation or its agent a certificate of amendment to which he shall affix the other duplicate. *New*.

(2) The amendment becomes effective upon the date set forth in the certificate of amendment and the articles of incorporation are amended accordingly. R.S.O. 1960, c. 71, s. 4, *amended*.

### *Restatement of Articles*

**192.**—(1) A corporation may at any time restate its <sup>Restatement of articles</sup> articles of incorporation as theretofore amended.

Filing of  
restatement

(2) For the purposes of bringing the restated articles into effect, the corporation shall deliver to the Minister the restated articles in duplicate, executed under the seal of the corporation and signed by two officers, or by one director and one officer, of the corporation and verified by affidavit of one of the officers or directors signing the restated articles, setting out,

- (a) all the provisions that are then set out in the original articles of incorporation as theretofore amended; and
- (b) a statement that the restated articles correctly set out without change the corresponding provisions of the original articles as theretofore amended.

Restatement  
of  
certificate

(3) If the restated articles of incorporation conform to law, the Minister shall, when all prescribed fees have been paid,

- (a) endorse on each duplicate of the restated articles the word "Filed" and the day, month and year of the filing thereof;
- (b) file one of the duplicates in his office; and
- (c) issue to the corporation or its agent a restated certificate of incorporation to which he shall affix the other duplicate.

Effect of  
certificate

(4) The restated articles of incorporation become effective upon the date set forth in the restated certificate and supersede the original articles of incorporation and all amendments thereto. *New.*

### *Arrangements*

Interpre-  
tation

**193.**—(1) In this section and sections 194 and 195, "arrangement" includes a reorganization of the authorized capital of a corporation and also includes,

- (a) the consolidation of shares of different classes;
- (b) the reclassification of shares of one class into shares of another class;
- (c) the variation of the designations, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to shares of any class; and
- (d) a reconstruction under which a corporation transfers or sells, or proposes to transfer or to sell, to another body corporate the whole or a substantial part of its

undertaking

undertaking for a consideration consisting in whole or in part of securities of the other body corporate and under which it proposes to distribute a part of that consideration among its shareholders of any class, or to cease carrying on its undertaking or that part of its undertaking so transferred or sold or so proposed to be transferred or sold. R.S.O. 1960, c. 71, s. 95 (1).

(2) Subject to section 195, a corporation may make an <sup>Arrangement</sup> arrangement,

(a) that affects the rights of all its shareholders; or

(b) that affects the rights of only holders of a particular class of its shares. R.S.O. 1960, c. 71, s. 95 (2), *amended*.

(3) Where a corporation proposing an arrangement has <sup>Subsidiaries</sup> one or more subsidiaries, any one or more of the subsidiaries may join in the arrangement with the holding corporation in one scheme. *New*.

**194.**—(1) A corporation proposing an arrangement shall <sup>Scheme of arrangement</sup> prepare a scheme for the purpose, prescribing in detail what is to be done and the manner in which it is to be effected.

(2) The corporation shall submit the scheme to the share- <sup>Submission to shareholders</sup> holders, or to the class of them affected, as the case may be, at a meeting duly called by the corporation for the purpose of considering the scheme. *New*.

(3) Where a meeting of the shareholders or of any class or classes of shareholders is called under subsection 2, the notice calling the meeting shall contain a statement explaining the effect of the arrangement and in particular stating any interest of the directors of the corporation, whether as directors or as shareholders of the corporation or otherwise, and the effect thereon of the arrangement in so far as it is different from the effect on the like interest of other persons. R.S.O. 1960, c. 71, s. 95 (3).

(4) If the shareholders of the corporation or of the class <sup>Approval by shareholders</sup> or classes affected, as the case may be, present in person or by proxy at the meeting, agree, by a vote of at least three-fourths of the shares of each class represented, to the arrangement either as proposed or as varied at the meeting, the scheme shall be deemed to have been adopted. R.S.O. 1960, c. 71, s. 95 (4), *amended*.

Approval  
by court

(5) Where the scheme is deemed to have been adopted, the corporation may apply to the court for an order approving the scheme.

Notice

(6) The corporation shall notify the Minister and unless the court otherwise directs, each of its dissentient shareholders, in such manner as the court may direct, of the time and place when the application for the approving order will be made.

Counsel

(7) The Minister may appoint counsel to assist the court upon the hearing of an application under this section. *New.*

Order

(8) The court shall hear and determine the matter and may approve the scheme as presented or may approve it, subject to compliance with such terms and conditions as it thinks fit, having regard to the rights and interests of the dissentient shareholders, or any of them. R.S.O. 1960, c. 71, s. 95 (4, 5), *amended.*

Filing of  
statement  
to amend  
articles

**195.**—(1) For the purpose of bringing a scheme into effect, the corporation shall, within six months of the approval of the scheme by the court, deliver to the Minister a statement in duplicate executed under the seal of the corporation and signed by two officers, or by one director and one officer, of the corporation, and verified by affidavit of one of the officers or directors signing the statement, setting out,

- (a) the name of the corporation;
- (b) a certified copy of the scheme;
- (c) a certified copy of the order of the court; and
- (d) that the terms and conditions, if any, to which the scheme is made subject by the order have been complied with.

Issuance of  
certificate  
of  
amendment

(2) If the statement conforms to law, the Minister shall, when all prescribed fees have been paid,

- (a) endorse on each duplicate of the statement the word "Filed" and the day, month and year of the filing thereof;
- (b) file one of the duplicates in his office; and
- (c) issue to the corporation or its agent a certificate of the filing to which he shall affix the other duplicate.

(3) Upon the issuance of the certificate of filing, the scheme becomes effective and constitutes an amendment to the articles. *New.* <sup>Effect of certificate of amendment</sup>

### *Amalgamations and Continuations*

**196.**—(1) Any two or more corporations, including holding or subsidiary corporations, may amalgamate and continue as one corporation. <sup>Amalgamation</sup>

(2) The corporations proposing to amalgamate shall enter into an agreement for the amalgamation, prescribing its terms and conditions of the amalgamation and the mode of carrying the amalgamation into effect, and, in particular the agreement shall set out, <sup>Agreement</sup>

- (a) the name of the amalgamated corporation;
- (b) the period of duration of the amalgamated corporation if other than perpetual;
- (c) the place in Ontario where the head office of the amalgamated corporation is to be located, giving the municipality and the county or district or, where the head office is to be located in territory without municipal organization, the geographic township and district, and giving the street and number, if any;
- (d) the authorized capital of the amalgamated corporation, the classes of shares, if any, into which it is to be divided, the number of shares of each class, and the par value of each share, or, where the shares are to be without par value, the consideration, if any, exceeding which each share may not be issued or the aggregate consideration, if any, exceeding which all the shares of each class may not be issued;
- (e) where there are to be special shares, the designations, preferences, rights, conditions, restrictions, limitations or prohibitions applying to them or each class of them;
- (f) the restrictions, if any, to be placed on the transfer of its shares, or any class thereof;
- (g) the names in full and the residence address, giving the street and number, if any, of each person who is to be a first director of the amalgamated corporation;

(h)

- (h) the time and manner of election of the subsequent directors of the amalgamated corporation;
- (i) whether or not the by-laws of the amalgamated corporation are to be those of one of the amalgamating corporations, and, if not, a copy of the proposed by-laws of the amalgamated corporation;
- (j) the manner in which the issued shares of each of the amalgamating corporations are to be converted into issued shares of the amalgamated corporation;
- (k) such other details as may be necessary to perfect the amalgamation and to provide for the subsequent management and operation of the amalgamated corporation. R.S.O. 1960, c. 71, s. 96 (1, 2), *amended*.

Shares of  
amalgamating  
corporation  
held by  
another

(3) Where shares of one of the amalgamating corporations are held by or on behalf of another of the amalgamating corporations, the amalgamation agreement shall provide for the cancellation of such shares upon the amalgamation becoming effective without any repayment of capital in respect thereof, and no provision shall be made in the agreement for the conversion of such shares into shares of the amalgamated corporation. *New*.

Approval of  
agreement

(4) An amalgamation agreement is not effective until approved by a special resolution of each of the amalgamating corporations. R.S.O. 1960, c. 71, s. 96 (3), *amended*.

Approval  
by special  
shareholders

(5) Where the carrying out of the amalgamation agreement would result in the deletion or variation of a preference, right, condition, restriction, limitation or prohibition attaching to a class of issued special shares of any of the amalgamating corporations or in the creation of special shares of the amalgamated corporation ranking in any respect in priority to, or on a parity with, any existing class of special shares of any of the amalgamating corporations, the agreement is not effective until it is approved in the manner provided by subsection 4 of section 189 in addition to the approval required by subsection 4. *New*.

Filing of  
articles of  
amalgamation

**197.**—(1) For the purpose of bringing an amalgamation into effect, the amalgamating corporations shall, within six months after the amalgamation agreement has become effective, deliver to the Minister articles of amalgamation in duplicate executed under the seal of each of the amalgamating corporations and signed by two officers, or by one director and one officer, of each of the amalgamating corporations and verified by affidavit of one of the officers or directors signing the articles of amalgamation for each amalgamating corporation, setting out,

- (a) the names of each of the amalgamating corporations;
- (b) a certified copy of the amalgamation agreement;
- (c) that the agreement has been duly approved as required by section 196; and
- (d) the dates on which the amalgamation agreement was approved by the shareholders of each of the amalgamating corporations.

(2) The articles of amalgamation shall be accompanied by evidence that establishes to the satisfaction of the Minister that each of the amalgamating corporations is not insolvent and, if required by the Minister, a *pro forma* balance sheet after giving effect to the proposed amalgamation. Evidence of solvency

(3) If the articles of amalgamation conform to law, the Minister shall, when all prescribed fees have been paid, Issuance of certificate of amalgamation

- (a) endorse on each duplicate of the articles the word "Filed" and the day, month and year of the filing thereof;
- (b) file one of the duplicates in his office; and
- (c) issue to the amalgamated corporation or its agent a certificate of amalgamation to which he shall affix the other duplicate. *New.*

(4) Upon the date set forth in the certificate of amalgamation, Effect of certificate

- (a) the amalgamation becomes effective and the amalgamating corporations are amalgamated and continue as one corporation under the terms and conditions prescribed in the amalgamation agreement;
- (b) the amalgamated corporation possesses all the property, rights, privileges and franchises and is subject to all liabilities, contracts, disabilities and debts of each of the amalgamating corporations;
- (c) the issued capital of the amalgamated corporation is, subject to the decrease provided for in subsection 3 of section 196, equal to the aggregate of the issued capital of each of the amalgamating corporations immediately before the amalgamation becomes effective; and

(d)

- (d) the articles of incorporation of each of the amalgamated corporations are amended to the extent necessary to give effect to the terms and conditions of the amalgamation agreement. R.S.O. 1960, c. 71, s. 96 (4), *amended*.

Certificate  
of con-  
tinuation

**198.**—(1) A corporation incorporated under the laws of any jurisdiction other than Ontario may, if it appears to the Minister to be thereunto authorized by the laws of the jurisdiction in which it was incorporated, apply to the Minister for a certificate continuing it as if it has been incorporated under this Act, and the Minister may issue the certificate of continuation on application supported by such material as appears satisfactory, and the certificate may be issued on such terms and subject to such limitations and conditions and contain such provisions as appear to the Minister to be fit and proper. R.S.O. 1960, c. 71, s. 323 (3), *amended*.

Effect of  
certificate  
of con-  
tinuation

(2) Upon the date set forth in a certificate of continuation issued under subsection 1, this Act applies to the corporation to the same extent as if it had been incorporated under this Act. *New*.

Transfer of  
Ontario  
corporations

**199.**—(1) A corporation incorporated under the laws of Ontario may, if authorized by a special resolution, by the Minister and by the laws of any other jurisdiction, apply to the proper officer of that other jurisdiction for an instrument of continuation continuing the corporation as if it had been incorporated under the laws of that other jurisdiction.

Notice

(2) The corporation shall file with the Minister a notice of the issue of the instrument of continuation, and on and after the date of the filing of the notice this Act ceases to apply to that corporation.

Application

(3) This section applies only in respect of a jurisdiction that has legislation in force that permits corporations incorporated under its laws to apply for an instrument of continuation under the laws of Ontario. 1961-62, c. 21, s. 4, *amended*.

Rights of  
creditors  
preserved

**200.** All rights of creditors against the property, rights and assets of a corporation amalgamated under section 196 or continued under section 198 and all liens upon its property, rights and assets are unimpaired by such amalgamation or continuation, and all debts, contracts, liabilities and duties of the corporation thenceforth attach to the amalgamated or continued corporation and may be enforced against it. R.S.O. 1960, c. 71, s. 324.

## DISSOLUTION

*Winding Up*

**201.** In sections 203 to 246, "contributory" means a person who is liable to contribute to the property of a corporation in the event of the corporation being wound up under this Act. R.S.O. 1960, c. 71, s. 241.

Interpretation

*Voluntary Winding Up*

**202.** Sections 203 to 215 apply to corporations being wound up voluntarily. *New.*

Application of ss. 203-215

**203.**—(1) Where the shareholders of a corporation by a majority of the votes cast at a general meeting duly called for that purpose, or by such greater proportion of the votes cast as the articles provide, pass a resolution requiring the corporation to be wound up, the corporation may be wound up voluntarily.

Voluntary winding up

(2) At such meeting the shareholders shall appoint one or more persons, who may be directors, officers or employees of the corporation, as liquidator of the estate and effects of the corporation for the purpose of winding up its affairs and distributing its property, and may at that or any subsequent general meeting fix his remuneration and the costs, charges and expenses of the winding up. R.S.O. 1960, c. 71, s. 243, *amended.*

Appointment of liquidator

(3) On the application of any shareholder or creditor of the corporation or of the liquidator, the court may review the remuneration of the liquidator and, whether or not the remuneration has been fixed by resolution, the court may fix and determine the remuneration at such amount as it thinks proper. *New.*

Review of remuneration by court

(4) A corporation shall file notice of a resolution requiring the voluntary winding up of a corporation with the Minister within ten days after the resolution has been passed and shall publish the notice in *The Ontario Gazette* within twenty days after the resolution has been passed. R.S.O. 1960, c. 71, s. 244 (1), *amended.*

Publication of notice of winding up

**204.** A corporation being wound up voluntarily may, in general meeting, by resolution, delegate to any committee of its shareholders, contributories or creditors, hereinafter referred to as inspectors, the power of appointing the liquidator and filling any vacancy in the office of liquidator, or may by a like resolution enter into any arrangement with its creditors with respect to the powers to be exercised by the liquidator and the manner in which they are to be exercised. R.S.O. 1960, c. 71, s. 245.

Inspectors

Vacancy in  
office of  
liquidator

**205.** If a vacancy occurs in the office of liquidator by death, resignation or otherwise, the shareholders in general meeting may, subject to any arrangement the corporation may have entered into with its creditors upon the appointment of inspectors, fill such vacancy, and a general meeting for that purpose may be called by the continuing liquidator, if any, or by any shareholder or contributory, and shall be deemed to have been duly held if called in the manner prescribed by the articles or by-laws of the corporation, or, in default thereof, in the manner prescribed by this Act for calling general meetings of the shareholders of the corporation. R.S.O. 1960, c. 71, s. 246, *amended*.

Removal of  
liquidator

**206.** The shareholders of the corporation may by a majority of the votes cast at a general meeting called for that purpose remove a liquidator appointed under section 203, 204 or 205, and in such case shall appoint another liquidator in his stead. R.S.O. 1960, c. 71, s. 247.

Commence-  
ment of  
winding up

**207.** A voluntary winding up commences at the time of the passing of the resolution requiring the winding up. R.S.O. 1960, c. 71, s. 248.

Corporation  
to cease  
business

**208.** A corporation being wound up voluntarily shall, from the commencement of its winding up, cease to carry on its undertaking, except in so far as may be required as beneficial for the winding up thereof, and all transfers of shares, except transfers made to or with the sanction of the liquidator, or alterations in the status of the shareholders of the corporation, taking place after the commencement of its winding up are void, but its corporate existence and all its corporate powers, notwithstanding that it is otherwise provided by its articles or by-laws, continue until its affairs are wound up. R.S.O. 1960, c. 71, s. 249, *amended*.

No proceed-  
ings against  
corporation  
after  
voluntary  
winding up  
except  
by leave

**209.** After the commencement of a voluntary winding up,

- (a) no action or other proceeding shall be commenced against the corporation; and
- (b) no attachment, sequestration, distress or execution shall be put in force against the estate or effects of the corporation,

except by leave of the court and subject to such terms as the court imposes. R.S.O. 1960, c. 71, s. 250.

List of  
contribu-  
tories  
and calls

**210.—**(1) Upon a voluntary winding up, the liquidator,

- (a) shall settle the list of contributories;

(b)

- (b) may, before he has ascertained the sufficiency of the property of the corporation, call on all or any of the contributories for the time being settled on the list of contributories to the extent of their liability to pay any sum that he considers necessary for satisfying the liabilities of the corporation and the costs, charges and expenses of winding up and for adjusting the rights of the contributories among themselves.

(2) A list settled by the liquidator under clause *a* of sub-section 1 is *prima facie* proof of the liability of the persons named therein to be contributories. List  
prima facie  
proof

(3) The liquidator in making a call under clause *b* of sub-section 1 may take into consideration the probability that some of the contributories upon whom the call is made may partly or wholly fail to pay their respective portions of the call. R.S.O. 1960, c. 71, s. 251. Default  
on calls

**211.**—(1) The liquidator may, during the continuance of the voluntary winding up, call general meetings of the shareholders of the corporation for the purpose of obtaining their approval by resolution, or for any other purpose he thinks fit. Meetings of  
corporation  
during  
winding up

(2) Where a voluntary winding up continues for more than one year, the liquidator shall call a general meeting of the shareholders of the corporation at the end of the first year and of each succeeding year from the commencement of the winding up, and he shall lay before the meeting an account showing his acts and dealings and the manner in which the winding up has been conducted during the immediately preceding year. R.S.O. 1960, c. 71, s. 252, *amended*. Where  
winding up  
continues  
more than  
one year

**212.** The liquidator, with the approval of a resolution of the shareholders of the corporation passed in general meeting or with the approval of the inspectors, may make such compromise or other arrangement as the liquidator thinks expedient with any creditor or person claiming to be a creditor or having or alleging that he has a claim, present or future, certain or contingent, liquidated or unliquidated, against the corporation or whereby the corporation may be rendered liable. R.S.O. 1960, c. 71, s. 253, *amended*. Arrange-  
ments  
with  
creditors

**213.** The liquidator may, with the approval referred to in section 212, compromise all debts and liabilities capable of resulting in debts, and all claims, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the corporation and any contributory, alleged contributory or other debtor or person who may be liable to the corporation and all questions in any way relating to or affecting the property of the corporation, Power to  
compromise  
with  
debtors  
and con-  
tributories

or the winding up of the corporation, upon the receipt of such sums payable at such times and generally upon such terms as are agreed, and the liquidator may take any security for the discharge of such debts or liabilities and give a complete discharge in respect thereof. R.S.O. 1960, c. 71, s. 254, *amended*.

Power to accept shares, etc., as consideration for sale of property to another body corporate

**214.**—(1) Where a corporation is proposed to be or is in the course of being wound up voluntarily and it is proposed to transfer the whole or a portion of its business or property to another body corporate, referred to in this subsection as the purchasing corporation, the liquidator of the first-mentioned corporation, with the approval of a resolution of the shareholders passed in general meeting of the corporation conferring either a general authority on the liquidator or an authority in respect of any particular arrangement, may receive, in compensation or in part-compensation for the transfer, cash or shares or other like interest in the purchasing corporation or any other body corporate for the purpose of distribution among the creditors or shareholders of the corporation that is being wound up in the manner set forth in the arrangement, or may, in lieu of receiving cash or shares or other like interest, or in addition thereto, participate in the profits of or receive any other benefit from the purchasing corporation or any other body corporate.

Confirmation of sale or arrangement

(2) A transfer made or arrangement entered into by the liquidator under this section is not binding on the shareholders of the corporation that is being wound up unless the shareholders or classes of shareholders, as the case may be, at a general meeting duly called for the purpose, by votes representing at least three-fourths of the shares or of each class of shares represented at the meeting, approve the transfer or arrangement and unless the transfer or arrangement is approved by an order made by the court on the application of the corporation.

Where resolution not invalid

(3) No resolution is invalid for the purposes of this section because it was passed before or concurrently with a resolution for winding up the corporation or for appointing the liquidator. R.S.O. 1960, c. 71, s. 255, *amended*.

Account of voluntary winding up to be made by liquidator to a general meeting

**215.**—(1) The liquidator shall make up an account showing the manner in which the winding up has been conducted and the property of the corporation disposed of, and thereupon shall call a general meeting of the shareholders of the corporation for the purpose of having the account laid before them and hearing any explanation that may be given by the liquidator, and the meeting shall be called in the manner

prescribed by the articles or by-laws or, in default thereof, in the manner prescribed by this Act for the calling of general meetings of shareholders.

(2) The liquidator shall within ten days after the holding of the meeting file a notice with the Minister stating that the meeting was held and the date thereof. Notice of holding of meeting

(3) Subject to subsection 4, on the expiration of three months from the date of the filing of the notice the corporation is dissolved. Dissolution

(4) At any time during the three-month period mentioned in subsection 3, the court may, on the application of the liquidator or any other person interested, make an order deferring the date on which the dissolution of the corporation is to take effect to a date fixed in the order, and in such event the corporation is dissolved on the date so fixed. R.S.O. 1960, c. 71, s. 279 (1-4), *amended*. Extension

(5) Notwithstanding anything in this Act, the court at any time after the affairs of the corporation have been fully wound up may, upon the application of the liquidator or any other person interested, make an order dissolving it, and it is dissolved on the date fixed in the order. R.S.O. 1960, c. 71, s. 280 (1), *amended*. Dissolution by court order

(6) The person on whose application an order was made under subsection 4 or 5 shall within ten days after it was made file with the Minister a certified copy of the order. R.S.O. 1960, c. 71, s. 279 (5), *amended*. Copy of extension order to be filed

### *Winding up by Court Order*

**216.** Sections 217 to 228 apply to corporations being wound up by order of the court. *New*. Application of ss. 217-228

**217.** A corporation may be wound up by order of the court, Winding up by court

(a) where the shareholders by a majority of the votes cast at a general meeting called for that purpose or by such greater proportion of the votes cast as the articles provide pass a resolution authorizing an application to be made to the court to wind up the corporation;

(b) where proceedings have been begun to wind up voluntarily and it appears to the court that it is in the interest of contributories and creditors that the proceedings should be continued under the supervision of the court;

(c)

- (c) where it is proved to the satisfaction of the court that the corporation, though it may not be insolvent, cannot by reason of its liabilities continue its business and that it is advisable to wind it up; or
- (d) where in the opinion of the court it is just and equitable for some reason, other than the bankruptcy or insolvency of the corporation, that it should be wound up. R.S.O. 1960, c. 71, s. 256, *amended*.

Who may  
apply

**218.**—(1) A winding-up order may be made upon the application of the corporation or of a shareholder or, where the corporation is being wound up voluntarily, of the liquidator or of a contributory or of a creditor having a claim of \$1,000 or more.

Notice

(2) Except where the application is made by the corporation, four days notice of the application shall be given to the corporation before the making of the application. R.S.O. 1960, c. 71, s. 257, *amended*.

Power  
of court

**219.** The court may make the order applied for, may dismiss the application with or without costs, may adjourn the hearing conditionally or unconditionally or may make any interim or other order as is deemed just, and upon the making of the order may, according to its practice and procedure, refer the proceedings for the winding up to an officer of the court for inquiry and report and may authorize the officer to exercise such powers of the court as are necessary for the reference. R.S.O. 1960, c. 71, s. 258, *amended*.

Appoint-  
ment of  
liquidator

**220.**—(1) The court in making the winding-up order may appoint one or more persons as liquidator of the estate and effects of the corporation for the purpose of winding up its affairs and distributing its property.

Remunera-  
tion

(2) The court may at any time fix the remuneration of the liquidator.

Vacancy

(3) If a liquidator appointed by the court dies or resigns or the office becomes vacant for any reason, the court may by order fill the vacancy. R.S.O. 1960, c. 71, s. 259 (1-3).

Notice of  
appoint-  
ment

(4) A liquidator appointed by the court under this section shall forthwith give to the Minister notice in writing of his appointment and shall, within twenty days of his appointment, publish the notice in *The Ontario Gazette*. *New*.

Removal of  
liquidator

**221.** The court may by order remove for cause a liquidator appointed by it, and in such case shall appoint another liquidator in his stead. R.S.O. 1960, c. 71, s. 259 (4).

**222.** The costs, charges and expenses of a winding up by order of the court shall be taxed by a taxing officer of the Supreme Court at Toronto. R.S.O. 1960, c. 71, s. 260.

Costs and expenses

**223.** Where a winding-up order is made by the court without prior voluntary winding-up proceedings, the winding up shall be deemed to commence at the time of the service of notice of the application, and, where the application is made by the corporation, at the time the application is made. R.S.O. 1960, c. 71, s. 261.

Commencement of winding up

**224.** Where a winding-up order has been made by the court, proceedings for the winding up of the corporation shall be taken in the same manner and with the like consequences as provided for a voluntary winding up, except that the list of contributories shall be settled by the court unless it has been settled by the liquidator before the winding-up order, in which case the list is subject to review by the court, and except that all proceedings in the winding up are subject to the order and direction of the court. R.S.O. 1960, c. 71, s. 262.

Proceedings in winding up after order

**225.**—(1) Where a winding-up order has been made by the court, the court may direct meetings of the shareholders of the corporation to be called, held and conducted in such manner as the court thinks fit for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting and to report the result of it to the court.

Meetings of shareholders of corporation may be ordered

(2) Where a winding-up order has been made by the court, the court may require any contributory for the time being settled on the list of contributories, or any director, officer, employee, trustee, receiver, banker or agent of the corporation to pay, deliver, convey, surrender or transfer forthwith, or within such time as the court directs, to the liquidator any sum or balance, documents, records, estate or effects that are in his hands and to which the corporation is *prima facie* entitled.

Order for delivery by contributories and others of property, etc.

(3) Where a winding-up order has been made by the court, the court may make an order for the inspection of the documents and records of the corporation by its creditors and contributories, and any documents and records in the possession of the corporation may be inspected in conformity with the order. R.S.O. 1960, c. 71, s. 263, *amended*.

Inspection of documents and records

**226.** After the commencement of a winding up by order of the court,

Proceedings against corporation after court winding up

(a) no action or other proceeding shall be proceeded with or commenced against the corporation; and

(b)

- (b) no attachment, sequestration, distress or execution shall be put in force against the estate or effects of the corporation,

except by leave of the court and subject to such terms as the court imposes. R.S.O. 1960, c. 71, s. 264.

Provision  
for dis-  
charge of  
liquidator  
and distri-  
bution by  
the court

**227.**—(1) Where the realization and distribution of the property of a corporation being wound up under an order of the court has proceeded so far that in the opinion of the court it is expedient that the liquidator should be discharged and that the property of the corporation remaining in his hands can be better realized and distributed by the court, the court may make an order discharging the liquidator and for payment, delivery and transfer into court, or to such officer or person as the court directs, of such property, and it shall be realized and distributed by or under the direction of the court among the persons entitled thereto in the same way as nearly as may be as if the distribution were being made by the liquidator.

Disposal of  
documents  
and  
records

(2) In such case, the court may make an order directing how the documents and records of the corporation and of the liquidator are to be disposed of, and may order that they be deposited in court or otherwise dealt with as the court thinks fit. R.S.O. 1960, c. 71, s. 283, *amended*.

Order for  
dissolution

**228.**—(1) The court at any time after the affairs of the corporation have been fully wound up may, upon the application of the liquidator or any other person interested, make an order dissolving it, and it is dissolved on the date fixed in the order.

Copy of  
dissolution  
order to  
be filed

(2) The person on whose application the order was made shall within ten days after it was made file with the Minister a certified copy of the order. R.S.O. 1960, c. 71, s. 280 (1, 2), *amended*.

### *Winding Up Generally*

Application  
of ss. 230-  
246

**229.** Sections 230 to 246 apply to corporations being wound up voluntarily or by order of the court. R.S.O. 1960, c. 71, s. 265.

Where no  
liquidator

**230.** Where there is no liquidator,

- (a) the court may by order on the application of a shareholder of the corporation appoint one or more persons as liquidator; and

(b)

- (b) the estate and effects of the corporation shall be under the control of the court until the appointment of a liquidator. R.S.O. 1960, c. 71, s. 266, *amended*.

**231.**—(1) Upon a winding up,

Conse-  
quences of  
winding up

- (a) the liquidator shall apply the property of the corporation in satisfaction of all its debts, obligations and liabilities and, subject thereto, shall distribute the property rateably among the shareholders according to their rights and interests in the corporation;
- (b) in distributing the property of the corporation, debts to employees of the corporation for services performed for it due at the commencement of the winding up or within one month before, not exceeding three months wages and for vacation pay accrued for not more than twelve months under *The Employment Standards Act, 1968* and the regulations thereunder or under a collective agreement made by the corporation, shall be paid in priority to the claims of the ordinary creditors, and such persons are entitled to rank as ordinary creditors for the residue of their claims; 1968, c. 35
- (c) all the powers of the directors cease upon the appointment of a liquidator, except in so far as the liquidator may sanction the continuance of such powers.

(2) Section 52 of *The Trustee Act* applies *mutatis mutandis* to liquidators. R.S.O. 1960, c. 71, s. 267, *amended*.

Distribution  
of property  
R.S.O. 1960,  
c. 408

**232.** The costs, charges and expenses of a winding up, including the remuneration of the liquidator, are payable out of the property of the corporation in priority to all other claims. R.S.O. 1960, c. 71, s. 268.

Payment  
of costs  
and  
expenses

**233.**—(1) A liquidator may,

Powers of  
liquidators

- (a) bring or defend any action, suit or prosecution, or other legal proceedings, civil or criminal, in the name and on behalf of the corporation;
- (b) carry on the business of the corporation so far as may be required as beneficial for the winding up of the corporation;
- (c) sell the real and personal property, effects and things in action of the corporation by public auction or private sale;

(d)

- (d) do all acts and execute, in the name and on behalf of the corporation, all documents, and for that purpose use the seal of the corporation;
- (e) draw, accept, make and endorse any bill of exchange or promissory note in the name and on behalf of the corporation;
- (f) raise upon the security of the property of the corporation any requisite money;
- (g) take out in his official name letters of administration of the estate of any deceased contributory and do in his official name any other act that is necessary for obtaining payment of any money due from a contributory or from his estate and which act cannot be done conveniently in the name of the corporation; and
- (h) do and execute all such other things as are necessary for winding up the affairs of the corporation and distributing its property.

Bills of exchange, etc., to be deemed drawn in the course of business

(2) The drawing, accepting, making or endorsing of a bill of exchange or promissory note by the liquidator on behalf of a corporation has the same effect with respect to the liability of the corporation as if such bill or note had been drawn, accepted, made or endorsed by or on behalf of the corporation in the course of carrying on its business.

Where moneys deemed to be due to liquidator

(3) Where the liquidator takes out letters of administration or otherwise uses his official name for obtaining payment of any money due from a contributory, such money shall be deemed, for the purpose of enabling him to take out such letters or recover such money, to be due to the liquidator himself. R.S.O. 1960, c. 71, s. 269, *amended*.

Acts by more than one liquidator

**234.** Where more than one person is appointed as liquidator, any power conferred by sections 202 to 246 on a liquidator may be exercised by such one or more of such persons as may be determined by the resolution or order appointing them or, in default of such determination, by any number of them not fewer than two. *New*.

Nature of liability of contributory

**235.** The liability of a contributory creates a debt accruing due from him at the time his liability commenced, but payable at the time or respective times when calls are made for enforcing such liability. R.S.O. 1960, c. 71, s. 270.

**236.** If a contributory dies before or after he had been placed on the list of contributories, his personal representative is liable in due course of administration to contribute to the property of the corporation in discharge of the liability of the deceased contributory and shall be a contributory accordingly. R.S.O. 1960, c. 71, s. 271, *amended*.

Who liable  
in case of  
his death

**237.**—(1) The liquidator shall deposit all moneys that he has belonging to the corporation and amounting to \$100 or more in any chartered bank of Canada or in the Province of Ontario Savings Office or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*.

Deposit of  
moneys

R.S.O. 1960,  
c. 222

(2) If inspectors have been appointed, the depository under subsection 1 shall be one approved by them.

Approval  
of bank by  
inspectors

(3) Such deposit shall not be made in the name of the liquidator individually, but a separate deposit account shall be kept of the money belonging to the corporation in his name as liquidator of the corporation and in the name of the inspectors, if any, and such money shall be withdrawn only by order for payment signed by the liquidator and one of the inspectors, if any.

Separate  
deposit  
account  
to be kept;  
withdrawal  
from  
account

(4) At every meeting of the shareholders of the corporation the liquidator shall produce a pass-book or statement of account showing the amount of the deposits, the dates at which they were made, the amounts withdrawn and the dates of withdrawal, and mention of such production shall be made in the minutes of the meeting, and the absence of such mention is admissible in evidence as *prima facie* proof that the pass-book or statement of account was not produced at the meeting.

Liquidators  
to produce  
bank pass-  
book

(5) The liquidator shall also produce the pass-book or statement of account whenever so ordered by the court upon the application of the inspectors, if any, or of a shareholder of the corporation. R.S.O. 1960, c. 71, s. 272, *amended*.

Idem

**238.** For the purpose of proving claims, sections 25, 26 and 27 of *The Assignments and Preferences Act* apply *mutatis mutandis*, except that, where the word "judge" is used therein, the word "court" as used in this Act shall be substituted. R.S.O. 1960, c. 71, s. 273.

Proving  
claim

R.S.O. 1960,  
c. 25

**239.** Upon the application of the liquidator or of the inspectors, if any, or of any creditors, the court, after hearing such parties as it directs to be notified or after such steps as the court prescribes have been taken, may by order give its direction in any matter arising in the winding up. R.S.O. 1960, c. 71, s. 274.

Application  
for  
direction

Examination  
of persons  
as to  
estate

**240.**—(1) The court may at any time after the commencement of the winding up summon to appear before the court or liquidator any director, officer or employee of the corporation or any other person known or suspected to have in his possession any of the estate or effects of the corporation, or alleged to be indebted to it, or any person whom the court thinks capable of giving information concerning its trade, dealings, estate or effects.

Damages  
against  
delinquent  
directors,  
etc.

(2) Where in the course of the winding up it appears that a person who has taken part in the formation or promotion of the corporation or that a past or present director, officer, employee, liquidator or receiver of the corporation has misapplied or retained in his own hands, or become liable or accountable for, property of the corporation, or has committed any misfeasance or breach of trust in relation to it, the court may, on the application of the liquidator or of any creditor, shareholder or contributory, examine into the conduct of that person and order him to restore the property so misapplied or retained, or for which he has become liable or accountable, or to contribute such sum to the property of the corporation by way of compensation in respect of such misapplication, retention, misfeasance or breach of trust, or both, as the court thinks just. R.S.O. 1960, c. 71, s. 275, *amended*.

Proceedings  
by share  
holders

**241.**—(1) Where a shareholder of the corporation desires to cause any proceeding to be taken that, in his opinion, would be for the benefit of the corporation, and the liquidator, under the authority of the shareholders or of the inspectors, if any, refuses or neglects to take such proceeding after being required so to do, the shareholder may obtain an order of the court authorizing him to take such proceeding in the name of the liquidator or corporation, but at his own expense and risk, upon such terms and conditions as to indemnity to the liquidator or corporation as the court prescribes.

Benefits:  
when for  
shareholders

(2) Any benefit derived from a proceeding under subsection 1 belongs exclusively to the shareholder causing the institution of the proceeding for his benefit and that of any other shareholder who has joined him in causing the institution of the proceeding.

when for  
corporation

(3) If before the order is granted the liquidator signifies to the court his readiness to institute the proceeding for the benefit of the corporation, the court shall make an order prescribing the time within which he is to do so, and in that case the advantage derived from the proceeding, if instituted within such time, belongs to the corporation. R.S.O. 1960, c. 71, s. 276, *amended*.

**242.** The rights conferred by this Act are in addition to any other right to institute proceedings against any contributory, or against any debtor of the corporation, for the recovery of any sum due from such contributory or debtor or his estate. R.S.O. 1960, c. 71, s. 277, *amended*. Rights conferred by Act to be in addition to other powers

**243.** At any time during a winding up, the court, upon the application of a shareholder, creditor or contributory and upon proof to its satisfaction that all proceedings in relation to the winding up ought to be stayed, may make an order staying the proceedings altogether or for a limited time on such terms and subject to such conditions as the court thinks fit. R.S.O. 1960, c. 71, s. 278. Stay of winding-up proceedings

**244.**—(1) Where the liquidator is unable to pay all the debts of the corporation because a creditor is unknown or his whereabouts is unknown, the liquidator may, by agreement with the Public Trustee, pay to the Public Trustee an amount equal to the amount of the debt due to the creditor to be held in trust for the creditor, and thereupon subsections 5 and 6 of section 248 apply thereto. Where creditor unknown

(2) A payment under subsection 1 shall be deemed to be in satisfaction of the debt for the purposes of winding up. R.S.O. 1960, c. 71, s. 281 (3, 4), *amended*. Idem

**245.**—(1) Where the liquidator is unable to distribute rateably the property of the corporation among the shareholders because a shareholder is unknown or his whereabouts is unknown, the share of the property of the corporation of such shareholder may, by agreement with the Public Trustee, be delivered or conveyed by the liquidator to the Public Trustee to be held in trust for the shareholder, and thereupon subsections 5 and 6 of section 248 apply thereto. Where shareholder unknown

(2) A delivery or conveyance under subsection 1 shall be deemed to be a distribution to that shareholder of his rateable share for the purposes of the winding up. R.S.O. 1960, c. 71, s. 281 (1, 2), *amended*. Idem

**246.**—(1) Where a corporation has been wound up under sections 202 to 245 and is about to be dissolved, its documents and records and those of the liquidator may be disposed of as it by resolution directs in case of voluntary winding up, or as the court directs in case of winding up under an order. Disposal of records, etc., after winding up

(2) After the expiration of five years from the date of the dissolution of the corporation, no responsibility rests on it or the liquidator, or anyone to whom the custody of the documents and records has been committed, by reason that the When responsibility as to custody of records, etc., to cease

same or any of them are not forthcoming to any person claiming to be interested therein. R.S.O. 1960, c. 71, s. 282, *amended*.

### *Other Dissolution*

Voluntary  
dissolution

**247.** A corporation may be dissolved upon the authorization of,

- (a) a majority of the votes cast at a general meeting of the shareholders of the corporation duly called for the purpose or by such other proportion of the votes cast as the articles provide;
- (b) the consent in writing of all the shareholders entitled to vote at such meeting; or
- (c) all its incorporators or their personal representatives at any time within two years after the date of issuance of its certificate of incorporation where the corporation has not commenced business and has not issued any shares. R.S.O. 1960, c. 71, s. 327 (1) (a), *amended*.

Articles of  
dissolution  
where  
corporation  
active

**248.**—(1) For the purpose of bringing the dissolution authorized under clause *a* or *b* of section 247 into effect, the corporation shall deliver to the Minister articles of dissolution in duplicate, executed under the seal of the corporation and signed by two officers or by one director and one officer, of the corporation and verified by affidavit of one of the officers or directors signing the articles of dissolution, setting out,

- (a) the name of the corporation;
- (b) that its dissolution has been duly authorized under clause *a* or *b* of section 247;
- (c) that it has no debts, obligations or liabilities or its debts, obligations or liabilities have been duly provided for in accordance with subsection 3 or its creditors or other persons having interests in its debts, obligations or liabilities consent to its dissolution;
- (d) that after satisfying the interests of creditors in all its debts, obligations and liabilities, if any, it has no property to distribute among its shareholders or that it has distributed its remaining property rateably among its shareholders according to their rights and interests in the corporation or in accordance with subsection 4 where applicable;

(e)

(e) that there are no proceedings pending in any court against it; and

(f) that it has given notice of its intention to dissolve by publication once in *The Ontario Gazette* and once in a newspaper having general circulation in the place where it has its head office. R.S.O. 1960, c. 71, s. 327 (1), *part, amended*.

(2) For the purpose of bringing a dissolution authorized under clause *c* of section 247 into effect, the corporation shall deliver to the Minister articles of dissolution in duplicate, signed by all its incorporators or their personal representatives and verified by affidavit of one of them setting out,

Articles of  
dissolution  
where  
corporation  
never  
active

(a) the name of the corporation;

(b) the date of the issuance of its certificate of incorporation;

(c) that the corporation has not commenced business;

(d) that none of its shares has been issued;

(e) that dissolution has been duly authorized under clause *c* of section 247;

(f) that it has no debts, obligations or liabilities;

(g) that after satisfying the interests of creditors in all its debts, obligations and liabilities, if any, it has no property to distribute or that it has distributed its remaining property to the persons entitled thereto;

(h) that there are no proceedings pending in any court against it; and

(i) that it has given notice of its intention to dissolve by publication once in *The Ontario Gazette* and once in a newspaper having general circulation in the place where it has its head office. *New*.

(3) Where a corporation authorizes its dissolution and a creditor is unknown or his whereabouts is unknown, the corporation may, by agreement with the Public Trustee, pay to the Public Trustee an amount equal to the amount of the debt due to the creditor to be held in trust for the creditor, and such payment shall be deemed to be due provision for the debt for the purposes of clause *c* of subsection 1.

Where  
creditor  
unknown

Where  
shareholder  
unknown

(4) Where a corporation authorizes its dissolution and a shareholder is unknown or his whereabouts is unknown, it may, by agreement with the Public Trustee, deliver or convey his share of the property to the Public Trustee to be held in trust for him, and such delivery or conveyance shall be deemed to be a distribution to that shareholder of his rateable share for the purposes of the dissolution.

Power to  
convert

(5) If the share of the property so delivered or conveyed to the Public Trustee under subsection 4 is in a form other than cash, the Public Trustee may at any time, and within ten years after such delivery or conveyance shall, convert it into cash.

Payment  
to person  
entitled

(6) If the amount paid under subsection 3 or the share of the property delivered or conveyed under subsection 4 or its equivalent in cash, as the case may be, is claimed by the person beneficially entitled thereto within ten years after it was so delivered, conveyed or paid, it shall be delivered, conveyed or paid to him, but, if not so claimed, it vests in the Public Trustee for the use of Ontario, and, if the person beneficially entitled thereto at any time thereafter establishes his right thereto to the satisfaction of the Lieutenant Governor in Council, an amount equal to the amount so vested in the Public Trustee shall be paid to him. R.S.O. 1960, c. 71, s. 327 (3-6), *amended*.

Certificate  
of  
dissolution

**249.**—(1) If the articles of dissolution conform to law, the Minister shall, when all prescribed fees have been paid and all taxes payable by the corporation to the Treasurer of Ontario have been paid,

- (a) endorse on each duplicate of the articles of dissolution the word "Filed" and the day, month and year of the filing thereof;
- (b) file one of the duplicates in his office; and
- (c) issue to the corporation or its agent a certificate of dissolution to which he shall affix the other duplicate.

Effect of  
certificate

(2) The dissolution becomes effective and the corporation is dissolved upon the date set forth in the certificate of dissolution. *New*.

Cancellation  
of certificate  
etc., by  
Minister

**250.** Where sufficient cause is shown to the Minister, he may, after he has given the corporation an opportunity to be heard, by order, upon such terms and conditions as he thinks fit, cancel a certificate of incorporation or any certificate issued by him under this Act, and,

(a)

- (a) in the case of the cancellation of a certificate of incorporation, the corporation is dissolved on the date fixed in the order;
- (b) in the case of the cancellation of any other certificate, the matter that became effective upon the issuance of the certificate ceases to be in effect from the date fixed in the order. R.S.O. 1960, c. 71, s. 326 (1), *amended*.

**251.**—(1) Where a corporation is in default in filing an annual return under *The Corporations Information Act*, or a predecessor thereof, the Minister shall send notice of the default to the corporation by mail within one year after the default. Notice of default in filing returns  
R.S.O. 1960, c. 72

(2) Where a corporation is in default in filing an annual return for a period of two years, the Minister may give notice, by registered mail to the corporation or by publication once in *The Ontario Gazette*, that an order dissolving the corporation will be issued unless the corporation files the annual return within one year after the giving of the notice. Notice of dissolution

(3) Upon default in compliance with the notice given under subsection 2, the Minister may by order cancel the certificate of incorporation and, subject to subsection 4, the corporation is dissolved on the date fixed in the order. Dissolution for default

(4) Where a corporation is dissolved under subsection 3, the Minister, on the application of any interested person immediately before the dissolution, made within two years after the date of dissolution, may in his discretion by order, on such terms and conditions as he sees fit to impose, revive the corporation, and thereupon the corporation, subject to the terms and conditions of the order and to any rights acquired by any person after its dissolution, is restored to its legal position, including all its property, rights, privileges and franchises, and is subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved. R.S.O. 1960, c. 71, s. 326 (2,3); 1964, c. 10, s. 8, *amended*. Revival

**252.**—(1) Notwithstanding the dissolution of a corporation under section 249, 250 or 251 or by the expiration of the period of its duration, Suits after dissolution

- (a) any action, suit or other proceeding commenced by or against the corporation before its dissolution may be proceeded with as if the corporation had not been dissolved;

(b)

- (b) any action, suit or other proceeding may be brought against the corporation within two years after its dissolution as if the corporation had not been dissolved; and
- (c) any property that would have been available to satisfy any judgment, order or other decision if the corporation had not been dissolved remains available for such purpose. 1962-63, c. 24, s. 12, *amended*.

Service  
after  
dissolution

(2) For the purposes of this section, the service of any process on a corporation after its dissolution shall be deemed to be sufficiently made if it is made upon any person last shown on the records of the Department as being a director or officer of the corporation before the dissolution. *New*.

Liability  
of share-  
holders to  
creditors

**253.**—(1) Notwithstanding the dissolution of a corporation, each of the shareholders among whom its property has been distributed remains liable to its creditors to the extent of the amount received by him upon the distribution, and an action in a court of competent jurisdiction to enforce such liability may be brought against him within two years from the date of the dissolution and not thereafter.

Action  
against  
one share-  
holder as  
representing  
class

(2) Where there are numerous shareholders, the court referred to in subsection 1 may permit an action to be brought against one or more shareholders as representatives of the class and, if the plaintiff establishes his claim as creditor, may make an order of reference and add as parties in the referee's office all such shareholders as are found, and the referee shall determine the amount that each should contribute towards the plaintiff's claim and may direct payment of the sums so determined. R.S.O. 1960, c. 71, s. 329, *amended*.

Forfeiture  
of un-  
disposed  
property

**254.** Subject to section 252, any real or personal property of a corporation that has not been disposed of at the date of its dissolution is forfeit to the Crown. R.S.O. 1960, c. 71, s. 330, *amended*.

#### GENERAL

Notice to  
directors  
and  
shareholders

**255.**—(1) Subject to the articles or by-laws of a corporation,

- (a) a notice or other document required to be given or sent by a corporation to a shareholder or director may be delivered personally or sent by prepaid mail addressed to the shareholder or director at his latest address as shown on the records of the corporation; and

(b)

- (b) a notice or other document sent by mail by a corporation to a shareholder or director shall be deemed to be given or sent at the time when it would be delivered in the ordinary course of mail. R.S.O. 1960, c. 71, s. 332, *amended*.

(2) Except where otherwise provided in this Act, a notice or document required to be given or sent to a corporation may be sent to the corporation by prepaid mail at its head office as shown on the records of the Department and shall be deemed to be given or sent at the time when it would be delivered in the ordinary course of mail. Notice to corporation

(3) Where a notice is required by this Act to be given, the giving of the notice may be waived or the time for the notice may be waived or abridged with the consent in writing of every person entitled thereto, whether before or after the time prescribed. *New*. Waiver of notice and abridgement of times

**256.**—(1) Every person who makes or assists in making a statement in any document required by or for the purposes of this Act or the regulations that, at the time and in the light of the circumstances under which it was made, is false or misleading in respect of any material fact or that omits to state any material fact the omission of which makes the statement false or misleading is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1960, c. 71, s. 339 (1), *amended*. Offence, false statements

(2) No person is guilty of an offence under subsection 1 if he did not know that the statement was false or misleading and in the exercise of reasonable diligence could not have known that the statement was false or misleading. *New*. Defence

**257.**—(1) Every person who fails to file with the Minister any document required by this Act to be filed with him is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or, if such person is a body corporate, to a fine of not more than \$20,000. Offence, failure to file

(2) Where a body corporate is guilty of an offence under subsection 1, every director or officer thereof who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. *New*. Idem

**258.** No proceeding under section 256 or 257 shall be commenced except with the consent or under the direction of the Minister. *New*. Consent

Offence,  
general

**259.**—(1) Except where otherwise provided, every person who commits an act contrary to or fails or neglects to comply with any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or, if such person is a body corporate, to a fine of not more than \$10,000.

Idem

(2) Where a body corporate is guilty of an offence under subsection 1, every director or officer thereof who authorized, permitted or acquiesced in the offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. R.S.O. 1960, c. 71, s. 340, *amended*.

Limitation

**260.**—(1) No proceeding under section 256 or 257 or under section 259 for a contravention of section 161 shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Minister as certified by him. R.S.O. 1960, c. 71, s. 339 (2), *amended*.

Idem

(2) No proceedings under section 259 for a contravention of section 148 shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commission.

Idem

(3) Subject to subsections 1 and 2, no proceeding for an offence under this Act or the regulations shall be commenced more than one year after the time when the subject-matter of the offence arose. *New*.

Orders for  
compliance

**261.**—(1) Where a corporation or a director, officer or employee of a corporation does not comply with any provision of this Act, the articles or the by-laws of the corporation, a shareholder or a creditor of the corporation, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, may apply to the court for an order directing the corporation, director, officer or employee, as the case may be, to comply with such provision, and upon such an application the court may make such order or such other order as the court thinks fit. R.S.O. 1960, c. 71, s. 341, *amended*.

Idem

(2) Where it appears to the Commission that any person or corporation to which section 117, subsection 1 of section 118 or section 148 applies has failed to comply with or is contravening any such provision, notwithstanding the imposition of any penalty in respect of such non-compliance or contravention, the Commission may apply to the court for an order directing such person or corporation to comply with such provision or for an order restraining such person or corporation from

contravening

contravening such provision and upon such application the court may make such order or such other order as the court thinks fit. 1968-69, c. 17, s. 10, *amended*.

**262.** The Minister may delegate in writing any of his duties or powers under this Act to any public servant in the Department. R.S.O. 1960, c. 71, s. 5, *part, amended*. Powers of Minister

**263.**—(1) The Minister may require any fact relevant to the performance of his duties under this Act or the regulations to be verified by affidavit or otherwise. Proof by affidavit

(2) For the purpose of holding a hearing under this Act, the Minister may administer oaths to witnesses and require them to give evidence under oath. R.S.O. 1960, c. 71, s. 7, *amended*. Oaths at hearings

**264.** The Minister shall cause notice to be published forthwith in *The Ontario Gazette*, Publication of notices in The Ontario Gazette

(a) of the issue of every certificate under section 5, 8, 31, 191, 195, 197, 198 or 249;

(b) of the issue of every order under section 161, 250 or 251;

(c) of the filing of a certified copy of an order under subsection 6 of section 215 or subsection 2 of section 228; and

(d) of the filing of a notice by a liquidator under subsection 2 of section 215 or by a corporation under subsection 4 of section 203. R.S.O. 1960, c. 71, s. 10, *amended*.

**265.**—(1) Upon payment of the prescribed fee, any person is entitled to examine any document filed with or issued by the Minister under this Act, and to make extracts therefrom. Searches

(2) Upon payment of the prescribed fee, the Minister shall furnish any person with a certificate as to whether or not a document has been filed with or issued by him under this Act or any predecessor thereof or with a certified copy of any such document. *New*. Certifications by Minister

**266.**—(1) Where this Act requires or authorizes the Minister to issue a certificate or certify any fact, the certificate shall be issued under the seal of the Minister and shall be signed by him or by such officer of the Department as is designated by the regulations. *New*. Execution of certificates of Minister

Certificates  
as  
evidence

(2) Any certificate purporting to be under the seal of the Minister and signed by a person authorized by or under subsection 1, or any certified copy, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof of the facts so certified without proof of the seal or of the signature or the official position of the person appearing to have signed the certificate. R.S.O. 1960, c. 71, s. 333, *amended*.

Notice of  
refusal  
to file

**267.**—(1) Where the Minister refuses to file any articles or any other document required by this Act to be filed by him before it becomes effective, he shall give written notice to the person who delivered the articles or other document of his refusal, specifying the reasons therefor.

Failure  
to act  
deemed  
refusal

(2) Where, within six months after the delivery to the Minister of articles or other document referred to in subsection 1, the Minister has not filed or refused to file such articles or other document, he shall be deemed for the purposes of section 268 to have refused to file it. *New*.

Appeal  
from  
Minister

**268.**—(1) Any person who feels aggrieved by a decision of the Minister to,

- (a) refuse to file articles or any other document or to issue any certificate required by this Act to be filed or issued;
- (b) issue or refuse to issue a certificate of amendment under subsection 2, 3 or 4 of section 8; or
- (c) issue an order under section 250,

may appeal the decision to the Court of Appeal.

Form of  
appeal

(2) Every appeal shall be by notice of motion sent by registered mail to the Minister within thirty days after the mailing of the notice of the decision, and the practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action, provided that the Rules Committee may vary or amend such practice and procedure or may prescribe the practice and procedure that shall be applicable to appeals taken under this Act.

Certificate  
of  
Minister

(3) The Minister shall certify to the Registrar of the Supreme Court,

- (a) the decision of the Minister, together with a statement of the reasons therefor;

(b)

(b) the record of any hearing; and

(c) all written submissions to the Minister or other material that is relevant to the appeal. *New.*

(4) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. <sup>Representation</sup>  
1962-63, c. 24, s. 11, *part, amended.*

(5) Where an appeal is taken under this section, the Court of Appeal may by its order direct the Minister to make such decision or to do such other act as the Minister is authorized and empowered to do under this Act and as the court thinks proper, having regard to the material and submissions before it and to this Act, and the Minister shall make such decision or do such act accordingly. <sup>Order of Court of Appeal</sup>

(6) Notwithstanding an order of the Court of Appeal, the Minister has power to make any further decision upon new material or where there is a material change in the circumstances, and every such decision is subject to this section. <sup>Minister may make further decision</sup>  
*New.*

**269.**—(1) Section 5 of *The Securities Act, 1966* applies, so far as possible, to hearings of the Commission under this Act. <sup>Hearings of Commission</sup>  
1966, c. 142

(2) Any person who feels aggrieved by a decision of the Commission under this Act may appeal the decision to the Court of Appeal, and subsections 2 to 6 of section 29 of *The Securities Act, 1966* apply to the appeal. <sup>Appeal from Commission</sup>  
*New.*

**270.** An appeal lies to the Court of Appeal from any order made by the court under this Act. <sup>Appeal from court</sup>  
R.S.O. 1960, c. 71, s. 338.

**271.** The Lieutenant Governor in Council may make regulations respecting any matter that he considers necessary relating to the incorporation, conduct and dissolution of corporations including, without limiting the generality of the foregoing, regulations, <sup>Regulations</sup>

(a) respecting names of corporations or classes thereof, objects of corporations, authorized capital of corporations, the designation, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to shares or classes of shares of corporations, or any other matter pertaining to articles or the filing thereof;

(b)

- (b) requiring the payment of fees for any matter that the Minister is required or authorized to do under this Act, and prescribing the amounts thereof;
- (c) prescribing any matter required by this Act to be prescribed by the regulations;
- (d) designating officers of the Department for the purposes of paragraph 7 of subsection 1 of section 1 and section 266;
- (e) respecting the form and content of the reports of insiders required to be filed under section 148;
- (f) respecting the form and content of information circulars required by section 118. R.S.O. 1960, c. 71, s. 335; 1966, c. 28, ss. 3, 4, *part, amended*.

Continu-  
ance of  
letters  
patent, etc.

**272.**—(1) Any provision in the letters patent, supplementary letters patent or by-laws of a corporation that was valid immediately before this Act comes into force except a by-law that contravenes section 147 continues to be valid and in effect, but any additions or amendments thereto or deletions therefrom shall be made in accordance with this Act.

Continu-  
ance re  
shares not  
fully paid  
R.S.O. 1960,  
c. 71

(2) The provisions of *The Corporations Act* relating to the liability of the holder of shares that are not fully paid and to the enforcement of such liability continue to apply in respect of shares that are not fully paid when this Act comes into force. *New*.

Commence-  
ment

**273.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**274.** This Act may be cited as *The Business Corporations Act, 1970*.

## CHAPTER 26

**An Act to amend The Mining Act**

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Paragraphs 4 and 5 and paragraph 5a as enacted by section 1 of *The Mining Amendment Act, 1968*, of section 1 of *The Mining Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 241, s. 1,  
pars. 4, 5,  
par. 5a  
(1968, c. 71,  
s. 1),  
re-enacted

4. “Department” means the Department of Mines and Northern Affairs;

5. “Deputy Minister” means the Deputy Minister of Mines and Northern Affairs;

5a. “Director” means the Director of the Mining Lands Branch of the Department.

(2) Paragraph 17 of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 241, s. 1,  
par. 17,  
re-enacted

17. “Minister” means the Minister of Mines and Northern Affairs.

**2.**—(1) Section 4 of *The Mining Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 241, s. 4,  
re-enacted

4. The Department of Mines is continued under the name of the Department of Mines and Northern Affairs.

Department  
of Mines and  
Northern  
Affairs

(2) Any mention of or reference to the Minister of Mines or the Department of Mines in any Act or regulation shall be deemed to be a mention of or reference to the Minister of Mines and Northern Affairs or the Department of Mines and Northern Affairs, respectively.

References  
to  
Department  
of Mines  
or Minister  
of Mines

R.S.O. 1960,  
c. 241, s. 6,  
subs. 1,  
amended

**3.** Subsection 1 of section 6 of *The Mining Act* is amended by inserting after "Mines" in the first line "and Northern Affairs".

R.S.O. 1960,  
c. 241,  
amended

**4.** *The Mining Act* is amended by adding thereto the following section:

Inspection  
of minerals

**13a.**—(1) An inspector may enter upon any lands for the purpose of gathering information respecting minerals or mineral rights and may enter any structure or works for the purpose of gathering information respecting ore and may take therefrom representative samples of minerals and ore sufficient for the purpose of testing or analysis.

Enforcement

(2) An inspector shall be deemed to be an officer appointed under this Act for the purposes of section 620.

R.S.O. 1960,  
c. 241, s. 15,  
amended

**5.** Section 15 of *The Mining Act* is amended by inserting after "Mines" in the fourth line, in the seventh line, in the eleventh line and in the twelfth line "and Northern Affairs".

R.S.O. 1960,  
c. 241, s. 16,  
amended

**6.** Section 16 of *The Mining Act*, as amended by section 5 of *The Mining Amendment Act, 1962-63*, is further amended by adding thereto the following subsections:

Protection  
from  
personal  
liability

(3) No action or other proceeding for damages shall be instituted against the Deputy Minister, the Commissioner, or any officer of the Department or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

Officers  
designated  
by Minister

(4) In addition to the persons otherwise constituted officers of the Department by this Act, any employee of the Department designated in writing by the Minister as an officer of the Department shall be deemed to be an officer of the Department for the purposes of this section.

R.S.O. 1960,  
c. 241, s. 17,  
amended

**7.**—(1) Section 17 of *The Mining Act*, as amended by section 3 of *The Mining Amendment Act, 1968*, is further amended by striking out "every inspector" in the amendment of 1968 and inserting in lieu thereof "Director of the Northern Affairs Branch of the Department", so that the section shall read as follows:

*Ex officio*  
justices of  
the peace

**17.** The Commissioner, Director, Supervisor and Director of the Northern Affairs Branch of the Department are *ex officio* justices of the peace for every county

and

and district in Ontario and a recorder in his division is *ex officio* a justice of the peace for the county or district in which any part of his division lies, and it is not necessary that they possess any residential or property qualification.

(2) The said section 17 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 241, s. 17, amended

(2) Every mining recorder and person designated by the Minister in writing as a Northern Affairs officer is *ex officio* a commissioner for taking affidavits in Ontario. Recorders, commissioners for affidavits

8.—(1) Clause *c* of section 37 of *The Mining Act*, as re-enacted by section 9 of *The Mining Amendment Act, 1962-63*, is amended by inserting after “Mines” in the fourth line “and Northern Affairs”. R.S.O. 1960, c. 241, s. 37, cl. *c* (1962-63, c. 84, s. 9), amended

(2) Clause *d* of the said section 37 is amended by inserting after “Mines” in the fifth line “and Northern Affairs”. R.S.O. 1960, c. 241, s. 37, cl. *d*, amended

9. Subsection 1 of section 69 of *The Mining Act*, as amended by section 18 of *The Mining Amendment Act, 1962-63*, is further amended by striking out “Chief, Laboratory Branch, Department of Mines” in the amendment of 1962-63 and inserting in lieu thereof “Director, Laboratory and Research Branch, Department of Mines and Northern Affairs”, so that the subsection shall read as follows: R.S.O. 1960, c. 241, s. 69, subs. 1, amended

(1) Every licensee who stakes out and records a mining claim may obtain from the recorder two free assay coupons on recording it and two additional free assay coupons on recording each forty days work thereafter and on forwarding or delivering, charges prepaid, samples from the mining claim to the Director, Laboratory and Research Branch, Department of Mines and Northern Affairs, Toronto, together with the required number of coupons, as provided in the regulations, is entitled to have the samples assayed without charge, but in no case is a licensee entitled to more than eighteen free assay coupons in a licence year. Free assays

10.—(1) Subsection 5 of section 84 of *The Mining Act*, as amended by subsection 1 of section 4 of *The Mining Amendment Act, 1968*, is further amended by adding “and” at the end of clause *b* and by adding thereto the following clause: R.S.O. 1960, c. 241, s. 84, subs. 5, amended

(c) where a certificate has been issued under subsection 6f of section 83, in respect of boring in excess of 4,000 feet, at the rate of one and a half days for each

foot of boring that is more than 4,000 feet and not more than 5,000 feet and two days for each foot of boring that is more than 5,000 feet,

. . . . .

R.S.O. 1960, c. 241, s. 84, subs. 8a, (1968, c. 71, s. 4, subs. 3), re-enacted (2) Subsection 8a of the said section 84, as enacted by subsection 3 of section 4 of *The Mining Amendment Act, 1968*, is repealed and the following substituted therefor:

Credits for performance and coverage

(8a) Notwithstanding subsections 8, 9 and 9a, but subject to the maximum credits permitted therein, if a ground geophysical or a geological or a geochemical survey meets the requirements of the Minister, he may authorize the approval of work credits on the basis of performance and coverage, subject to the limitations prescribed in the requirements, but credit for the work shall be cancelled by the recorder unless full reports and plans in duplicate, satisfactory to the Minister, are submitted to the Minister within sixty days of the recording of the work and are approved.

R.S.O. 1960, c. 241, s. 84, subs. 9b, (1968, c. 71, s. 4, subs. 4), re-enacted (3) Subsection 9b of the said section 84, as enacted by subsection 4 of section 4 of *The Mining Amendment Act, 1968*, is repealed and the following substituted therefor:

Radiometric surveys

(9b) A radiometric survey shall be deemed to be a geophysical survey for the purposes of this section.

R.S.O. 1960, c. 241, s. 84, subs. 14a, (1968, c. 71, s. 4, subs. 6), amended (4) Subsection 14a of the said section 84, as enacted by subsection 6 of section 4 of *The Mining Amendment Act, 1968*, is amended by striking out "Laboratory Branch, Department of Mines" in the fifth line and inserting in lieu thereof "Laboratory and Research Branch, Department of Mines and Northern Affairs", so that the subsection shall read as follows:

Expenditure where coupons used

(14a) Where work submitted under subsection 14 has been paid for with a coupon or coupons obtained under section 69, the expenditure represented shall be calculated according to the schedule of charges of the Laboratory and Research Branch, Department of Mines and Northern Affairs.

Application of sub-section 1

(5) Subsection 1 does not apply to boring recorded for work credits before this section comes into force.

R.S.O. 1960, c. 241, s. 106 (1968-69, c. 68, s. 6), amended

**11.** Section 106 of *The Mining Act*, as re-enacted by section 6 of *The Mining Amendment Act, 1968-69*, is amended by adding thereto the following subsection:

(1a)

- (1a) For the purposes of subsection 1, the Minister may <sup>Idem</sup> determine the stage of refinement at which any mineral substance is refined metal or other product suitable for direct use in the arts without further treatment.

**12.** Paragraph 6 of subsection 1 of section 657 of *The Mining Act* is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 241, s. 657, subs. 1, par. 6, re-enacted</sup>

6. Before the issue of a licence the applicant therefor shall furnish to the Minister a deposit of \$25,000 which shall be in cash or in,

(a) bearer bonds of,

(i) the Province of Ontario,

(ii) The Hydro-Electric Power Commission of Ontario, or

(iii) the Government of Canada; or

- (b) the form of a promissory note guaranteed by a chartered bank of Canada, which shall be retained by the Minister until the licence expires or is surrendered when it shall be returned to the licensee, except that where the licensee has not complied with this section and with the conditions of the licence to the satisfaction of the Minister, the deposit is forfeited to and becomes the property of the Crown.

**13.—**(1) Clause *a* of subsection 1 of section 661 of *The Mining Act* is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 241, s. 661, subs. 1, cl. a, re-enacted</sup>

- (a) all lands and mining rights in territory without municipal organization patented under or pursuant to any statute, regulation or law at any time in force authorizing the granting of Crown lands for mining purposes.

(2) Clause *c* of subsection 1 of the said section 661 is <sup>R.S.O. 1960, c. 241, s. 661, subs. 1, cl. c, re-enacted</sup> repealed and the following substituted therefor:

- (c) all mining rights in, upon or under lands in a municipality patented under or pursuant to any statute, regulation or law at any time in force authorizing the granting of Crown lands for mining purposes.

(3) Subsection 2 of the said section 661 is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 241, s. 661, subs. 2, re-enacted</sup>

Exemption  
from tax

- (2) No acreage tax is payable in respect of mining lands or mining rights granted by the Crown by lease or renewal of lease.

R.S.O. 1960,  
c. 241, s. 662,  
subs. 1,  
re-enacted

**14.** Subsection 1 of section 662 of *The Mining Act* is repealed and the following substituted therefor:

Exemptions  
from tax  
by Minister

- (1) The Minister may exempt lands or mining rights from the tax under this Part where,
- (a) land has been subdivided by a registered plan into lots or parcels for city, town, village or summer resort purposes and there is no severance of the surface and mining rights;
  - (b) land is being actually used for public park, educational, religious or cemetery purposes and there is no severance of the surface and mining rights;
  - (c) land is in *bona fide* use for farming or other agricultural purposes and there is no severance of the surface and mining rights; or
  - (d) the mining rights in, upon or under any land situated south of the French River, Lake Nipissing and the Mattawa River, including the Territorial District of Manitoulin, are being held, used or developed solely for the production of natural gas or petroleum.

R.S.O. 1960,  
c. 241, s. 671,  
subs. 1,  
re-enacted

**15.** Subsection 1 of section 671 of *The Mining Act*, as amended by subsection 1 of section 47 of *The Mining Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Defaulters  
list and  
notice of  
forfeitures

- (1) The Deputy Minister shall cause to be prepared between the 1st day of January and the 31st day of March in each year a list of all lands and mining rights in respect of which any acreage tax is two years or more in arrear, and, not later than the 30th day of June next following, shall cause to be sent by registered mail a notice to the person appearing from search or inquiry at the registry or land titles office to be the owner of the property in default and to every person appearing from that search or inquiry to have an interest therein, at the address or last known address of such person so far as he can reasonably ascertain it, stating that, unless the total amount of tax and penalties due and payable

under

under this Part are paid on or before the 31st day of December next following, the property will be forfeited to and vested in the Crown on the 1st day of January next following, and to the amount so due and payable there shall in every case be added and paid as costs the sum of \$10 for each property.

**16.** Subsection 1 of section 674 of *The Mining Act* is amended by inserting after "Council" in the first line "upon the recommendation of the Minister", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 241, s. 674,  
subs. 1,  
amended

- (1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may by order revoke, cancel or annul the forfeiture of any lands or mining rights under this Part, and the Deputy Minister shall cause the order to be registered in the proper land titles office or registry office and thereupon the lands or mining rights revert in the owner or lessee of the lands or mining rights at the time of forfeiture, his heirs, successors or assigns, subject to any lien, mortgage or charge entered or registered prior to the forfeiture and still outstanding.

Annulment  
of forfeiture

**17.** Item 28 of the Schedule to *The Mining Act*, as re-enacted by section 9 of *The Mining Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 241,  
Sched.  
item 28  
(1965, c. 73,  
s. 9),  
re-enacted

28. For consenting to or for filing any acceptable document relating to a mining lease or licence of occupation other than a transfer . . . 2.00

**18.** Every forfeiture of lands and mining rights heretofore made under Part XIV of *The Mining Act* shall be deemed to be valid notwithstanding that such forfeiture would, but for this section, be invalid or void.

Previous  
forfeitures  
validated

**19.** The expenditures necessary for the purposes of the Northern Affairs Branch of the Department of Mines and Northern Affairs shall, until the 31st day of March, 1971, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Moneys re  
Northern  
Affairs  
Branch

**20.**—(1) This Act, except sections 13, 14 and 15, comes into force on the day it receives Royal Assent.

Commence-  
ment

(2) Sections 13, 14 and 15 shall be deemed to have come into force on the 1st day of January, 1970.

Idem

**21.** This Act may be cited as *The Mining Amendment Act, 1970*. (No. 2).

Short title



## CHAPTER 27

**An Act to amend  
The Operating Engineers Act, 1965**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *j* of section 2 of *The Operating Engineers Act, 1965* is repealed and the following substituted therefor: 1965, c. 92,  
s. 2, cl. j,  
re-enacted

(*j*) a compressor that, in the opinion of the chief officer, is situated in a remote area to which a person does not normally have access, and that is controlled automatically or by remote manual control.

(2) The said section 2 is amended by adding thereto the following clause: 1965, c. 92,  
s. 2,  
amended

(*ma*) a compressor of a class that is exempted by the regulations.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Operating Engineers Amendment Act, 1970*. Short title



## CHAPTER 28

**An Act to amend The Industrial Safety Act, 1964***Assented to June 26th, 1970**Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Industrial Safety Act, 1964*, as amended <sup>1964, c. 45, s. 1,</sup> by section 1 of *The Industrial Safety Amendment Act, 1968*, <sup>amended</sup> is further amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses:

(a) "architect" means a person registered as a member of the Ontario Association of Architects or a person who is licensed to practise as an architect under *The Architects Act*; R.S.O. 1960, c. 20

. . . . .

(ma) "professional engineer" means a person who is a member of the Association of Professional Engineers of the Province of Ontario or who is licensed to practise as a professional engineer under *The Professional Engineers Act, 1968-69*. 1968-69, s. 99

**2.** Section 16 of *The Industrial Safety Act, 1964*, as amended <sup>1964, c. 45, s. 16,</sup> by section 4 of *The Industrial Safety Amendment Act, 1968*, <sup>amended</sup> is further amended by adding thereto the following subsection:

(2a) Drawings and specifications of a building that is to be or is more than two storeys in height shall bear the signature and seal of a professional engineer or an architect. Drawings and specifications to be signed and sealed

**3.** Section 25 of *The Industrial Safety Act, 1964* is repealed and the following substituted therefor: 1964, c. 45, s. 25, re-enacted

25. No person shall employ in an industrial establishment during school hours a person who is required under *The Schools Administration Act* to attend school. Employment of adolescents R.S.O. 1960, c. 361

Commence-  
ment

**4.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**5.** This Act may be cited as *The Industrial Safety Amendment Act, 1970*.

## CHAPTER 29

## An Act to amend The Elevators and Lifts Act

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *f* of section 1 of *The Elevators and Lifts Act*,<sup>R.S.O. 1960,  
c. 119, s. 1,</sup> as amended by subsection 2 of section 1 of *The Elevators and Lifts Amendment Act, 1965*,<sup>cl. f,  
re-enacted</sup> is repealed and the following substituted therefor:

(*f*) “elevator” means a mechanism, including its hoistway enclosure, affixed to a building or structure and equipped with a car or platform that,

(i) moves in guides, or is otherwise guided, at an angle exceeding 70 degrees from the horizontal, and

(ii) is used to lift or lower persons or freight in or about the building or structure,

and includes a freight platform having a vertical travel in excess of sixty inches.

(2) The said section 1 is amended by adding thereto the following paragraph:<sup>R.S.O. 1960,  
c. 119, s. 1,  
amended</sup>

(*ra*) “professional engineer” means a person who is a member of the Association of Professional Engineers of the Province of Ontario or who is licensed to practise as a professional engineer under *The Professional Engineers Act, 1968-69*, c. 99.

2. Section 6 of *The Elevators and Lifts Act*, as amended<sup>R.S.O. 1960,  
c. 119, s. 6,  
re-enacted</sup> by section 4 of *The Elevators and Lifts Amendment Act, 1965*, is repealed and the following substituted therefor:

6. Every elevator, dumb-waiter, escalator, manlift and<sup>Inspections</sup> incline lift shall be inspected at such intervals as may be determined by the chief inspector.

R.S.O. 1960,  
c. 119,  
amended      **3.** *The Elevators and Lifts Act* is amended by adding thereto the following section:

Inspector or  
engineer not  
liable      12a. No inspector or engineer of the Department is personally liable for anything done or omitted to be done by him in the performance of his duties under this Act or the regulations.

R.S.O. 1960,  
c. 119, s. 14,  
amended      **4.** Section 14 of *The Elevators and Lifts Act* is amended by adding thereto the following subsection:

Drawings  
and  
specifications  
to be signed  
and sealed      (2a) Drawings and specifications submitted under this section shall bear the signature and seal of a professional engineer.

R.S.O. 1960,  
c. 119, s. 24,  
subs. 1,  
amended      **5.** Subsection 1 of section 24 of *The Elevators and Lifts Act*, as amended by section 3 of *The Elevators and Lifts Amendment Act, 1961-62*, is further amended by striking out "\$1,000" in the amendment of 1961-62 and inserting in lieu thereof "\$5,000", so that the subsection shall read as follows:

Offence      (1) A person who contravenes any of the provisions of this Act or the regulations or any notice or order made thereunder is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

R.S.O. 1960,  
c. 119,  
amended      **6.** *The Elevators and Lifts Act* is amended by adding thereto the following section:

Limitation  
on prosecu-  
tion      24a. No prosecution under this Act shall be instituted more than one year after the last act or default upon which the prosecution is based occurred.

Commence-  
ment      **7.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title      **8.** This Act may be cited as *The Elevators and Lifts Amendment Act, 1970*.

## CHAPTER 30

**An Act to amend The Corporations Act**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Corporations Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 71,  
amended

**1a.** This Act does not apply to a company to which Application  
*The Business Corporations Act, 1970* applies. 1970, c. 25

**2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

**3.** This Act may be cited as *The Corporations Amendment Act, 1970*. Short title



## CHAPTER 31

# An Act to provide for the Preservation of the Niagara Escarpment and its Vicinity

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpre-  
tation

(a) "Commissioner" means the Mining Commissioner appointed under *The Mining Act*;

R.S.O. 1960.  
c. 241

(b) "mine" means a mine as defined in *The Mining Act*;

(c) "Minister" means the Minister of Mines and Northern Affairs;

(d) "protected zone" means the lands to which this Act applies.

**2.** This Act applies to such lands in the geographic town-  
ships of Niagara, Stamford, Grantham, Thorold, Pelham, Louth, Clinton, North Grimsby, Saltfleet, Barton, Ancaster, Beverly, West Flamborough, East Flamborough, Nelson, Nassagaweya, Esquesing, Erin, Chinguacousy, Caledon, Albion, Mono, Adjala, Mulmur, Osprey, Nottawasaga, Collingwood, Artemesia, Euphrasia, St. Vincent, Holland, Sydenham, Derby, Keppel, Sarawak, Amabel, Albermarle, Eastnor, Lindsay and St. Edmunds as are designated by the regulations under this Act.

Application  
of Act

**3.—(1)** No person shall open or operate a mine in the protected zone unless he is the holder of a permit issued by the Minister.

Permit

(2) Where a person was operating a mine in the protected zone on the 6th day of May, 1970 subsection 1 does not apply until ninety days after this section comes into force.

Idem

Site plan

**4.** An application for a permit shall be accompanied by a site plan that includes,

- (a) the true shape, topography, contours, dimensions, acreage and location of the property owned or under lease and held for present or future pit or quarry operations;
- (b) the use or the proposed use of all land and the location and use or the proposed use of all buildings and structures lying within a distance of 500 feet of pit or quarry property boundaries;
- (c) the location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property;
- (d) existing and anticipated final grades of excavation, contours where necessary and excavation set backs;
- (e) drainage provisions;
- (f) all entrances and exits;
- (g) as far as possible, ultimate pit development, progressive and ultimate road plan, any water diversion or storage, location of stockpiles for stripping and products, progressive and ultimate rehabilitation and, where possible, intended use of the land after the extractive operations have ceased; and
- (h) such other information as the Minister may require or as is prescribed by the regulations.

Refusal to  
issue permit

**5.—(1)** The Minister may refuse to issue a permit where, in his opinion, the operation of the mine would be against the interest of the public in preserving the character of the formation that includes the Niagara escarpment and the availability of its natural attributes for enjoyment by the public.

Conditions  
of permit

(2) The Minister may attach such terms and conditions to the issuance of a permit as, in his opinion, are necessary for the interest of the public referred to in subsection 1.

Revocation  
of permit

**6.** The Minister may revoke a permit issued under this Act if the permittee has contravened this Act or has failed to comply with the terms and conditions of the permit.

Hearing

**7.—(1)** Subject to section 8, before refusing to issue a permit under section 5 or before revoking a permit, the Minister shall refer the matter to the Commissioner for a hearing and report.

(2) Pursuant to a reference by the Minister under this section, the Commissioner shall hold a hearing as to whether the permit to which the hearing relates should be issued or should be revoked, as the case may be, and the applicant or permittee and such other persons as the Commissioner specifies shall be parties to the hearing. <sup>Idem</sup>

(3) A hearing by the Commissioner shall be conducted in accordance with the rules, practices and procedures applicable to proceedings before the Commissioner under Part VIII of *The Mining Act*. <sup>Procedure</sup>

R.S.O. 1960,  
c. 241

(4) The Commissioner may obtain the assistance of engineers, surveyors or other scientific persons who may under his order view and examine the property in question, and in making his report he may give such weight to their opinion or report as he considers proper. <sup>Expert assistance</sup>

(5) The Commissioner shall, at the conclusion of a hearing under this section, make a report to the Minister which shall set out his findings of fact and any information or knowledge used by him in reaching his recommendations, any conclusions of law he has arrived at relevant to his recommendations, and his recommendations as to the issue or revocation of the permit to which the hearing relates, as the case may be, and shall send a copy of his report to the applicant or permittee to whom it relates. <sup>Report of Commissioner</sup>

(6) After considering the report of the Commissioner under this section, the Minister may refuse to issue or may revoke the permit to which the report relates and shall within thirty days after he receives the report of the Commissioner give notice of his decision to the applicant or permittee specifying the reasons therefor, and, subject to subsection 7, the decision of the Minister is final. <sup>Decision of Minister</sup>

(7) Any person whose permit or right to a permit is affected by a decision of the Minister may appeal the decision on any point of law to a judge of the Court of Appeal. <sup>Appeal</sup>

8. Where the Minister refers the matter of a revocation of a permit to the Commissioner for a hearing and report and, in the opinion of the Minister, the continuation of the mining operation constitutes an immediate threat to the interest of the public referred to in section 5, the Minister may, upon notice to the permittee, provisionally suspend the permit pending the final disposition of the matter. <sup>Interim suspension</sup>

Quarrying  
near  
escarpment

**9.**—(1) Notwithstanding that a permit has been issued under this Act, no person shall quarry in the Amabel or Lockport Formation in the protected zone at any point nearer to the natural edge of the Niagara escarpment than 300 feet measured horizontally.

Idem

(2) For the purposes of this section, the Amabel and Lockport Formations are as defined in Geological Survey of Canada Memoir 289, 1957, entitled "Silurian Stratigraphy and Palaeontology of the Niagara Escarpment".

Order of  
compliance

**10.**—(1) Where it appears to the Minister that any person does not comply with any provision of this Act, notwithstanding the imposition of any penalty in respect of such non-compliance, the Minister may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order as he thinks fit.

Appeal

(2) An appeal lies to the Court of Appeal from an order made under subsection 1.

Penalty

**11.**—(1) Every person who contravenes section 3 or 9 or fails to comply with the terms and conditions of a permit is guilty of an offence against this Act and is liable to a fine of not more than \$5,000 for every day upon which the offence occurs or continues.

Idem  
R.S.O. 1960,  
c. 241

(2) Section 626 of *The Mining Act* applies to offences against this Act.

Regulations

**12.** The Lieutenant Governor in Council may make regulations,

- (a) designating lands for the purposes of section 2;
- (b) governing applications for permits and providing for their issue;
- (c) prescribing additional information to be included on site plans under section 4;
- (d) prescribing forms for the purposes of this Act and providing for their use.

Commence-  
ment

**13.** This Act comes into force on the day it receives Royal Assent.

Short title

**14.** This Act may be cited as *The Niagara Escarpment Protection Act, 1970*.

## CHAPTER 32

**An Act to establish  
The District Municipality of Muskoka**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## INTERPRETATION

**1.—In this Act,**Interpre-  
tation

- (a) “area municipality” means the municipality or corporation of the Town of Bracebridge, the Township of Georgian Bay, the Town of Gravenhurst, the Town of Huntsville, the Township of Lake of Bays and the Township of Muskoka Lakes, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the District Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “Department” means the Department of Municipal Affairs;
- (f) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (g) “District Area” means the area from time to time included within the area municipalities;
- (h) “District Corporation” means The District Municipality of Muskoka;

- (i) "District Council" means the council of the District Corporation;
- (j) "district road" means a road forming part of the district road system established under Part IV;
- (k) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (l) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (m) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the District Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (n) "local municipality" means in the year 1970 a local municipality and a geographic township in the District Area and the portion of the geographic township of Finlayson included in the District Area;
- (o) "Minister" means the Minister of Municipal Affairs;
- (p) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 113;
- (q) "Municipal Board" means the Ontario Municipal Board.

## PART I

### AREA MUNICIPALITIES

Constitution  
of area  
municipalities

#### 2.—(1) On the 1st day of January, 1971,

- (a) The Corporation of the Town of Bracebridge, The Corporation of the Township of Oakley, The Corporation of the Township of Macaulay and The

Corporation

Corporation of the Township of Draper are amalgamated as a town municipality bearing the name of The Corporation of the Town of Bracebridge and the portions of the Township of Monck, the Township of Muskoka, and the Township of McLean described as follows are annexed to such town:

FIRSTLY, part of the Township of Monck, commencing at the intersection of the northerly boundary of the said Township with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE southeasterly along the said boundary to its intersection with the boundary between the townships of Monck and Muskoka;

THENCE in a general easterly direction along the said boundary through Lake Muskoka and Muskoka River to the southeast corner of the Township of Monck;

THENCE northerly along the easterly boundary of the said Township of the northeast corner of the said Township;

THENCE

THENCE westerly along the northerly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom that part of the Town of Bracebridge lying within the Corporation Boundary of the said Town;

SECONDLY, part of the Township of Muskoka, commencing at the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka 10 chains from the original high water mark of Lake Muskoka;

THENCE North  $15^{\circ} 41'$  West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North  $74^{\circ} 19'$  East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South  $74^{\circ} 19'$  West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North  $74^{\circ} 19'$  East from the most southerly point of said Heydon Island;

THENCE North  $15^{\circ} 41'$  West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE northerly through Lake Muskoka following the said boundary to its intersection with the boundary between the townships of Muskoka and Monck;

THENCE easterly through Lake Muskoka and Muskoka River following the said boundary between the townships of Muskoka and Monck to the point of commencement;

THIRDLY, part of the Township of McLean commencing at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE southerly along the said westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement;

- (b) The Corporation of the Township of Freeman together with the geographic township of Gibson and the geographic township of Baxter are amalgamated as a township municipality bearing the name of The Corporation of the Township of Georgian Bay;
- (c) The Corporation of the Town of Gravenhurst, The Corporation of the Township of Morrison and The Corporation of the Township of Ryde are amalgamated as a town municipality bearing the name of The Corporation of the Town of Gravenhurst and the portions of the Township of Muskoka and the Township of Wood described as follows are annexed to such town:

FIRSTLY, part of the Township of Muskoka, commencing at the intersection of the easterly boundary of the said Township with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka 10 chains from the original high water mark of Lake Muskoka;

THENCE North  $15^{\circ} 41'$  West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North  $74^{\circ} 19'$  East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South  $74^{\circ} 19'$  West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North  $74^{\circ} 19'$  East from the most southerly point of said Heydon Island;

THENCE North  $15^{\circ} 41'$  West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE

THENCE southwesterly, northwesterly, and southwesterly following the boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly along the division line between the townships of Muskoka and Wood to the northwest angle of that part of the Township of Muskoka lying west of Lake Muskoka;

THENCE southerly along the westerly boundary of the said Township to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Town of Gravenhurst;

SECONDLY, part of the Township of Wood, commencing at the intersection of the production northerly of the easterly limit of Lot 9 Concession VI with the easterly limit of the Township of Wood (being the centre line of the allowance for road between the townships of Muskoka and Wood);

THENCE southerly along the easterly boundary of the said Township (being the westerly boundary of the Township of Muskoka) to the northerly boundary of the Township of Morrison;

THENCE westerly along the northerly boundary of the Township of Morrison;

THENCE southerly along the westerly boundary of the Township of Morrison to the southeast corner of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood to its intersection with the east limit of Lot 9 in Concession XX, produced southerly;

THENCE northerly to and along the easterly limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI to the point of commencement;

- (d) The Corporation of the Town of Huntsville, The Corporation of the Village of Port Sydney, The Corporation of the Township of Brunel, The Corporation of the Township of Chaffey, The Corporation of the Township of Stisted and The Corporation of the Township of Stephenson are amalgamated as a town municipality bearing the name of The Corporation of the Town of Huntsville;
- (e) The Corporation of the Township of Franklin, The Corporation of the Township of Ridout and the geographic township of Sinclair are amalgamated as a township municipality bearing the name of The Corporation of the Township of Lake of Bays and the portions of the Township of McLean and the geographic township of Finlayson described as follows are annexed to the said Township of Lake of Bays;

FIRSTLY, part of the Township of McLean, commencing at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE northerly along the said westerly boundary to the northwest corner of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement;

SECONDLY, part of the geographic township of Finlayson, commencing at the intersection of the centre line of the original allowance for road between lots 20 and 21 produced northerly with the northerly boundary of the said Township;

THENCE westerly along the said northerly boundary to the northwest corner of the said Township;

THENCE southerly along the westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary to its intersection with the centre line of the original allowance for road between lots 20 and 21 produced southerly;

THENCE

THENCE northerly to and along the said centre line of the original allowance for road between lots 20 and 21 and its production northerly to the point of commencement;

- (f) The Corporation of the Town of Bala, The Corporation of the Village of Port Carling, The Corporation of the Village of Windermere, The Corporation of the Township of Cardwell and The Corporation of the Township of Watt are amalgamated as a township municipality bearing the name of The Corporation of the Township of Muskoka Lakes and the portions of the Township of Medora and Wood and the Township of Monck described as follows are annexed to such Township:

FIRSTLY, part of The Corporation of the United Townships of Medora and Wood commencing at the northwest corner of the Township of Medora;

THENCE southerly along the westerly boundary of the Township of Medora and the westerly boundary of the Township of Wood and easterly along the southerly boundary of the Township of Wood to its intersection with the production southerly of the easterly limit of the said Lot 9 Concession XX Township of Wood;

THENCE northerly to and along the eastern limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI and its production northerly to its intersection with the easterly limit of the Township of Wood;

THENCE northerly and easterly along the boundary between the townships of Wood and Muskoka to its intersection with the boundary between the townships of Wood and Monck;

THENCE northwesterly along the boundary between the townships of Wood and Monck to its intersection with the boundary between the townships of Medora and Monck;

THENCE northerly along the boundary between the townships of Medora and Monck to its intersection with the boundary between the townships of Medora and Watt;

THENCE northerly along the boundary between the townships of Medora and Watt to the northeast corner of the Township of Medora;

THENCE westerly along the northerly boundary of the township of Medora to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Village of Port Carling and the Corporation Boundary of the Town of Bala;

SECONDLY, part of the Township of Monck, commencing at the northwest corner of the said Township;

THENCE easterly along the northerly boundary to its intersection with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE northwesterly along the boundary between the townships of Monck and Wood and the boundary between the townships of Monck and Medora to its intersection with the westerly boundary of the Township of Monck;

THENCE northerly along the said westerly boundary to the point of commencement.

NOTE: *All Bearings are astronomic and are referred to the meridian passing through the northeast corner of the Township of Monck.*

Amalgama-  
tions and  
annexations  
deemed by  
Municipal  
Board  
orders

(2) For the purposes of every Act, the amalgamations and annexations provided for in this Part shall be deemed to have been effected by order of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers, and "municipalities" in clause a of subsection 10 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

R.S.O. 1960,  
cc. 274, 249

Wards of  
area muni-  
cipalities;  
Bracebridge

3.—(1) The area municipality of the Town of Bracebridge is divided into the following wards:

1. Bracebridge Ward — which shall comprise the area of the Town of Bracebridge as it exists on the 1st day of July, 1970.
2. Draper Ward — which shall comprise the area of the Township of Draper as it exists on the 1st day of July, 1970.
3. Macaulay Ward — which shall comprise the area of the Township of Macaulay as it exists on the 1st day of July, 1970.
4. Monck South Ward — which shall comprise part of the Township of Monck being more particularly described as follows:

COMMENCING at the intersection of the northerly boundary of the said Township with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between Concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North  $85^{\circ}$  west through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South  $10^{\circ}$  West through Lake Muskoka a distance of 43 chains;

THENCE North  $80^{\circ}$  West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South  $10^{\circ}$  West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE southeasterly along the said boundary to its intersection with the boundary between the townships of Monck and Muskoka;

THENCE in a general easterly direction along the said boundary through Lake Muskoka and Muskoka River to the southeast corner of the Township of Monck;

THENCE northerly along the easterly boundary of the said Township to the northeast corner of the said Township;

THENCE westerly along the northerly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Bracebridge Ward.

5. Muskoka North Ward — which shall comprise the part of the Township of Muskoka being more particularly described as follows:

COMMENCING at the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka, 10 chains from the original high water mark of Lake Muskoka;

THENCE North  $15^{\circ} 41'$  West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North  $74^{\circ} 19'$  East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE

THENCE South  $74^{\circ} 19'$  West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North  $74^{\circ} 19'$  East from the most southerly point of said Heydon Island;

THENCE North  $15^{\circ} 41'$  West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE northerly through Lake Muskoka following the said boundary to its intersection with the boundary between the townships of Muskoka and Monck;

THENCE easterly through Lake Muskoka and Muskoka River following the said boundary between the townships of Muskoka and Monck to the point of commencement.

6. Oakley Ward — which shall comprise the area of the Township of Oakley as it exists on the 1st day of July, 1970, together with part of the Township of McLean being more particularly described as follows:

COMMENCING at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE southerly along the said westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement.

Georgian  
Bay

- (2) The area municipality of the Township of Georgian Bay is divided into the following wards:

1. Baxter Ward — which shall comprise the area of the geographic township of Baxter as it exists on the 1st day of July, 1970.

2. Freeman Ward — which shall comprise the area of the Township of Freeman as it exists on the 1st day of July, 1970.
3. Gibson Ward — which shall comprise the area of the geographic township of Gibson as it exists on the 1st day of July, 1970.

(3) The area municipality of the Town of Gravenhurst is <sup>Gravenhurst</sup> divided into the following wards:

1. Gravenhurst Ward — which shall comprise the area of the Town of Gravenhurst as it exists on the 1st day of July, 1970.
2. Morrison Ward — which shall comprise the area of the Township of Morrison as it exists on the 1st day of July, 1970.
3. Muskoka South Ward — which shall comprise part of the Township of Muskoka and part of the Township of Wood, being more particularly described as follows:

*Part of Township of Muskoka*

COMMENCING at the intersection of the easterly boundary of the said Township with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka, 10 chains from the original high water mark of Lake Muskoka.

THENCE North  $15^{\circ} 41'$  West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North  $74^{\circ} 19'$  East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South  $74^{\circ} 19'$  West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North  $74^{\circ} 19'$  East from the most southerly point of said Heydon Island;

THENCE North  $15^{\circ} 41'$  West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE

THENCE southwesterly, northwesterly and southwesterly following the said boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly along the division line between the townships of Muskoka and Wood to the northwest angle of that part of the Township of Muskoka lying west of Muskoka Lake;

THENCE southerly along the westerly boundary of the said Township to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Gravenhurst Ward;

*Part of Township of Wood*

COMMENCING at the intersection of the production northerly of the easterly limit of Lot 9 Concession VI with the easterly limit of the Township of Wood (being the centre line of the allowance for road between the townships of Muskoka and Wood);

THENCE southerly along the easterly boundary of the said Township (being the westerly boundary of the Township of Muskoka) to the northerly boundary of the Township of Morrison;

THENCE westerly along the northerly boundary of the Township of Morrison;

THENCE southerly along the westerly boundary of the Township of Morrison to the southeast corner of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood being the centre line of the Severn River to its intersection with the east limit of Lot 9 in Concession XX, produced southerly;

THENCE northerly to and along the easterly limit of Lots 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI to the point of commencement.

4. Ryde Ward — which shall comprise the area of the Township of Ryde as it exists on the 1st day of July, 1970.

(4) The area municipality of the Town of Huntsville is <sup>Huntsville</sup> divided into the following wards:

1. Brunel Ward — which shall comprise the area of the Township of Brunel as it exists on the 1st day of July, 1970.
2. Chaffey Ward — which shall comprise the area of the Township of Chaffey as it exists on the 1st day of July, 1970.
3. Huntsville Ward — which shall comprise the area of the Town of Huntsville as it exists on the 1st day of July, 1970.
4. Port Sydney Ward — which shall comprise the area of the Village of Port Sydney as it exists on the 1st day of July, 1970.
5. Stephenson Ward — which shall comprise the area of the Township of Stephenson as it exists on the 1st day of July, 1970.
6. Stisted Ward — which shall comprise the area of the Township of Stisted as it exists on the 1st day of July, 1970.

(5) The area municipality of the Township of Lake of Bays <sup>Lake of Bays</sup> is divided into the following wards:

1. Franklin Ward — which shall comprise the area of the Township of Franklin as it exists on the 1st day of July, 1970.
2. McLean Ward — which shall comprise part of the Township of McLean being more particularly described as follows:

COMMENCING at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE northerly along the said westerly boundary to the northwest corner of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast corner of the said Township;

THENCE

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement.

3. Ridout Ward — which shall comprise the area of the Township of Ridout as it exists on the 1st day of July, 1970.
4. Sinclair Ward — which shall comprise the area of the geographic township of Sinclair as it exists on the 1st day of July, 1970, and part of the geographic township of Finlayson in the District of Nipissing being more particularly described as follows:

COMMENCING at the intersection of the centre line of the original allowance for road between lots 20 and 21 produced northerly with the northerly boundary of the said township of Finlayson;

THENCE westerly along the said northerly boundary to the northwest corner of the said township of Finlayson;

THENCE southerly along the westerly boundary to the southwest corner of the said township of Finlayson;

THENCE easterly along the southerly boundary to its intersection with the centre line of the original allowance for road between lots 20 and 21 produced southerly;

THENCE northerly to and along the said centre line of the original allowance for road between lots 20 and 21 and its production northerly to the point of commencement.

Muskoka  
Lakes

(6) The area municipality of the Township of Muskoka Lakes is divided into the following wards:

1. Bala Ward — which shall comprise the area of the Town of Bala as it exists on the 1st day of July, 1970.
2. Cardwell Ward — which shall comprise the area of the Township of Cardwell as it exists on the 1st day of July, 1970.

3. Medora and Wood Ward — which shall comprise part of the Township of Medora and Wood being more particularly described as follows:

COMMENCING at a point on the west boundary of the Township of Medora at its intersection with the production westerly of the centre line of the road allowance between concessions IV and V for the said Township;

THENCE easterly along the centre line of the said road allowance and the production easterly thereof to a point in Lake Joseph measured easterly along the said production being distant 30 chains from its intersection with the production northerly of the division line between lots 16 and 17;

THENCE southeasterly through Lake Joseph along a straight line to a point on the southerly shore of its intersection with the division line between concessions III and IV at the rear of Lot 24;

THENCE easterly along the said division line and its production easterly to the production northerly of the centre line of the road allowance between lots 25 and 26;

THENCE southerly to and along the centre line of the said road allowance to the centre line of the road allowance and its production southerly between concessions E and F;

THENCE westerly along the centre line of the road allowance between concessions E and F to the east shore of North Bay of Lake Muskoka;

THENCE in a southeasterly direction following the said shore to the most southerly point of Mortimer's Point;

THENCE southeasterly in a straight line through Lake Muskoka to a point on the geographical boundary between the Township of Medora and Wood at its intersection with a line connecting a point on the south shore of East Bay of Lake Muskoka at its intersection with the centre line of the road allowance between lots 15 and 16 Concession V for the Township of Wood with a point on the north shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 in Concession D in the Township of Medora;

THENCE

THENCE southeasterly along the said connecting line to the shore of East Bay of Lake Muskoka;

THENCE southerly along the centre line of the road allowance between lots 15 and 16 to its intersection with the centre line of the road allowance between concessions IX and X for the said Township of Wood;

THENCE westerly along the centre line of the road allowance between concessions IX and X and the production westerly thereof to its intersection with the western limit for the said Township of Wood;

THENCE northerly along the western limit of the said Township of Wood and the western limit of the said Township of Medora to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within Bala Ward.

4. Monck North Ward — which shall comprise part of the Township of Monck being more particularly described as follows:

COMMENCING at the northwest corner of the said Township;

THENCE easterly along the northerly boundary to its intersection with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE

THENCE South  $10^{\circ}$  West through Lake Muskoka a distance of 43 chains;

THENCE North  $80^{\circ}$  West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South  $10^{\circ}$  West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE northwesterly along the boundary between the townships of Monck and Wood and the boundary between the townships of Monck and Medora to its intersection with the westerly boundary of the Township of Monck;

THENCE northerly along the said westerly boundary to the point of commencement.

5. Port Carling Ward — which shall comprise the area of the Village of Port Carling as it exists on the 1st day of July, 1970.
6. Medora North Ward — which shall comprise part of the Township of Medora and Wood being more particularly described as follows:

COMMENCING at the northwest angle of the Township of Medora;

THENCE southerly along the westerly limit of the said Township to its intersection with a production westerly of the centre line of the road allowance between concessions IV and V for the said Township;

THENCE easterly along the centre line of the road allowance between concessions IV and V and the production easterly thereof to a point in Lake Joseph, measured easterly along the said production and distant 30 chains from its intersection with the division line between lots 16 and 17 in Concession IV;

THENCE southeasterly through Lake Joseph on a straight line to a point on the southerly shore at its intersection with the division line between concessions III and IV at the rear of Lot 24;

THENCE

THENCE easterly along the said division line and its production easterly to the production northerly of the centre line of the road allowance between lots 25 and 26;

THENCE southerly to and along the centre line of the road allowance and its production southerly to the centre line of the road allowance between concessions E and F;

THENCE westerly along the centre line of the road allowance between the said concessions E and F to the east shore of North Bay of Lake Muskoka;

THENCE in a southeasterly direction following the said shore to the most southerly point of Mortimer's Point;

THENCE southeasterly in a straight line through Lake Muskoka to a point on the geographical boundary between the Township of Medora and Wood at its intersection with a line connecting a point on the south shore of East Bay of Lake Muskoka at its intersection with the centre line of the road allowance between lots 15 and 16 Concession V for the Township of Wood with a point on the north shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 in Concession D in the Township of Medora;

THENCE in a general northeasterly direction through Lake Muskoka following the geographical boundary between the said Township of Medora and Wood and the boundary between Medora and Monck to its intersection with the north shore of Lake Muskoka being the most southeasterly angle of the boundary of the Village of Port Carling;

THENCE northwesterly, northerly and southeasterly following the boundary of the said Village of Port Carling to a point on the shore of Lake Rosseau at its intersection with the east boundary of the Township of Medora;

THENCE in a general northerly direction through Lake Rosseau following the eastern limit of the said Township of Medora to its intersection with the northerly limit of the said Township;

THENCE westerly along the northerly limit of the said Township to the point of commencement.

7. Watt Ward—which shall comprise the area of the Township of Watt as it exists on the 1st day of July, 1970.
8. Windermere Ward—which shall comprise the area of the Village of Windermere as it exists on the 1st day of July, 1970.
9. Wood South Ward—which shall comprise part of the townships of Medora and Wood being more particularly described as follows:

COMMENCING at a point in the westerly boundary of the Township of Wood at its intersection with the production westerly of the centre line of the road allowance between concessions IX and X of the said Township;

THENCE easterly along the centre line of the said road allowance to the centre line of the road allowance between lots 15 and 16;

THENCE northerly along the centre line of the road allowance between the said lots 15 and 16 to its intersection with the southerly shore of East Bay of Lake Muskoka;

THENCE northwesterly through Lake Muskoka along the straight line connecting the hereinbefore described point on the shore of East Bay with a point on the shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 for the Township of Medora to its intersection with the geographical boundary between the Township of Medora and Wood;

THENCE in a general northeasterly direction, following the geographical boundary between the Township of Medora and Wood through Lake Muskoka to its intersection with the geographical boundary between the townships of Wood and Muskoka;

THENCE

THENCE northerly along the centre line of the road allowance between the said lots 15 and 16 to its intersection with the southerly shore of East Bay of Lake Muskoka;

THENCE northwesterly through Lake Muskoka along the straight line connecting the hereinbefore described point on the shore of East Bay with a point on the shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 for the Township of Medora, to its intersection with the geographical boundary between the Township of Medora and Wood;

THENCE in a general northeasterly direction, following the geographical boundary between the Township of Medora and Wood through Lake Muskoka to its intersection with the geographical boundary between the townships of Wood and Muskoka;

THENCE southwesterly, northwesterly and southwesterly following the boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly and southerly along the division line between the townships of Muskoka and Wood to the production northerly of Lot 9 Concession VI of the Township of Wood;

THENCE southerly to and along the easterly limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI and its production to its intersection with the southerly boundary of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood to its intersection with the westerly limit of the said Township;

THENCE northerly along the westerly limit of the said Township being the easterly limit of the Township of Baxter and the Township of Gibson to the point of commencement.

NOTE: *All Bearings are astronomic and are referred to the meridian passing through the northeast corner of the Township of Monck.*

(7) On and after the 1st day of January, 1971, the council of each area municipality shall be composed of a mayor, who shall be elected by general vote and shall be the head of the council, and such other members elected in the wards in the area municipality as follows:

1. The Town of Bracebridge:

Bracebridge Ward.....	Three members
Draper Ward.....	One member
Macaulay Ward.....	One member
Monck South Ward.....	One member
Muskoka North Ward.....	One member
Oakley Ward.....	One member

2. The Township of Georgian Bay:

Baxter Ward.....	Two members
Freeman Ward.....	Two members
Gibson Ward.....	One member

3. The Town of Gravenhurst:

Gravenhurst Ward.....	Three members
Morrison Ward.....	Two members
Muskoka South Ward.....	Two members
Ryde Ward.....	One member

4. The Town of Huntsville:

Brunel Ward.....	One member
Chaffey Ward.....	Two members
Huntsville Ward.....	Two members
Port Sydney Ward.....	One member
Stephenson Ward.....	One member
Stisted Ward.....	One member

5. The Township of Lake of Bays:

Franklin Ward.....	Two members
McLean Ward.....	One member
Ridout Ward.....	One member
Sinclair Ward.....	One member

6. The Township of Muskoka Lakes:

Bala Ward.....	One member
Cardwell Ward.....	One member

Medora and Wood Ward . . . . .	One member
Monck North Ward . . . . .	One member
Port Carling Ward . . . . .	One member
Medora North Ward . . . . .	One member
Watt Ward . . . . .	One member
Windermere Ward . . . . .	One member
Wood South Ward . . . . .	One member

First  
elections  
and terms  
of office

(8) Elections for the first council of each area municipality shall be held in the year 1970, and the day for polling shall be the 5th day of October and the first councils elected shall hold office for the years 1971 and 1972.

Idem

(9) For the purposes of the elections of the first councils of the area municipalities,

- (a) the Minister shall by order,
  - (i) fix the days, times and places of nominations and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, the qualifications of candidates, and
  - (ii) provide for all such other matters as he considers necessary to hold the elections; and

R.S.O. 1960,  
c. 249

- (b) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* and are resident in a local municipality or part thereof within the District Area between the 1st day of January, 1970, and the day of the poll are entitled to be entered on the voters' list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

Organiza-  
tion com-  
mittee in  
1970

(10) The members of the council of each area municipality elected in the year 1970 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Expenses  
of first  
elections

(11) The expenses of the local municipalities for the elections to elect members of the area municipalities in the year 1970 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

(12) Except as otherwise provided in this Act, no elections for council shall be held in the year 1970 in the villages of Port Sydney and Windermere and the incumbent councils thereof shall continue in office until the 31st day of December, 1970.

No elections.  
Port Sydney  
and  
Windermere

4.—(1) In every area municipality,

Meetings  
of electors  
for nomina-  
tion of  
candidates  
and polling  
day

(a) meetings of electors for the nomination of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second year thereafter on the second Monday preceding the first Monday in December; and

(b) the day for polling in the year 1972 and in every second year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

(2) The council of every area municipality, before the 1st day of November in the year 1972 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held.

Place of  
nomination  
meeting

(3) The members of the council of each area municipality and such local boards, commencing with such councils and local boards which take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new council or board is organized.

Term of  
office

(4) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, and the assent of the electors as required therein shall be deemed to have been received.

Resident  
voters' list  
R.S.O. 1960,  
c. 254

5. This Part comes into force on the day this Act receives Royal Assent.

Commence-  
ment of  
Part

## PART II

### INCORPORATION AND COUNCIL OF DISTRICT AREA

6.—(1) On the 19th day of October, 1970, the inhabitants of the District Area are hereby constituted a body corporate under the name of The District Municipality of Muskoka.

District  
Corporation  
constituted

Deemed  
municipality  
under  
R.S.O. 1960,  
cc. 98, 274

(2) The District Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Provisional  
judicial  
district

(3) The District Municipality of Muskoka is for judicial purposes a provisional judicial district.

Registry  
and land  
titles  
divisions  
not affected

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

District  
Council to  
exercise  
corporate  
powers

**7.**—(1) The powers of the District Corporation shall be exercised by the District Council and, except where otherwise provided, the jurisdiction of the District Council is confined to the District Area.

Powers  
exercised  
by by-law

(2) Except where otherwise provided, the powers of the District Council shall be exercised by by-law.

Not to be  
quashed as  
unreason-  
able

(3) A by-law passed by the District Council in the exercise of any of its powers and in good faith shall not be open to question or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition  
of District  
Council

**8.**—(1) The District Council shall consist of twenty-three members composed of a chairman and,

- (a) in the year 1970, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) three members elected by the council of the area municipality of the Town of Bracebridge as follows,
  - (i) one member elected to such council for Bracebridge Ward,
  - (ii) one member elected to such council for either Monck South Ward or Muskoka North Ward,
  - (iii) one member elected to such council for one of the wards of Draper, Macaulay or Oakley;
- (c) two members elected by the council of the area municipality of the Township of Georgian Bay as follows,
  - (i) one member elected to such council for Baxter Ward,
  - (ii) one member elected to such council for either Freeman Ward or Gibson Ward;

(d)

- (d) three members elected by the council of the area municipality of the Town of Gravenhurst as follows,
  - (i) one member elected to such council for Gravenhurst Ward,
  - (ii) one member elected to such council for Muskoka South Ward,
  - (iii) one member elected to such council for either Morrison Ward or Ryde Ward;
- (e) three members elected by the council of the area municipality of the Town of Huntsville as follows,
  - (i) one member elected to such council for Huntsville Ward,
  - (ii) one member elected to such council for Chaffey Ward,
  - (iii) one member elected to such council for one of the wards of Brunel, Port Sydney, Stephenson and Stisted;
- (f) two members elected by the council of the area municipality of the Township of Lake of Bays as follows,
  - (i) one member elected to such council for either Franklin Ward or Sinclair Ward,
  - (ii) one member elected to such council for either Ridout Ward or McLean Ward;
- (g) three members elected by the council of the area municipality of the Township of Muskoka Lakes as follows,
  - (i) one member elected to such council for one of the wards of Bala, Port Carling or Windermere,
  - (ii) one member elected to such council for one of the wards of Cardwell, Monck North or Watt,
  - (iii) one member elected to such council for one of the wards of Medora and Wood, Medora North or Wood South.

Method of  
election of  
District  
Council in  
1970

(2) In the year 1970, the committee for each area municipality established by subsection 10 of section 3 shall meet on or before the 13th day of October, 1970, and shall elect the number of members to the District Council for such area municipality as provided by subsection 1 and the members so elected shall hold office for the years 1970, 1971 and 1972.

Biennial  
election of  
District  
Council

(3) In the year 1973 and in every second year thereafter the council of each area municipality shall at its first meeting in each such year elect its members to the District Council.

Appoint-  
ment of first  
chairman

**9.—**(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 19th day of October, 1970, to hold office at pleasure during the years 1970 to 1974 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Election of  
chairman

(2) At the first meeting of the District Council in the year 1975 and in every second year thereafter at which a quorum is present, the District Council shall organize as a council and elect as chairman one of the members of the District Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

Where  
chairman  
member of  
area council

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

Failure to  
elect  
chairman

(4) If, at the first meeting of the District Council in the year 1975 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First  
meeting  
of area  
1970

**10.—**(1) The first meeting of the District Council in the year 1970 shall be held on or after the 19th day of October, 1970, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the District Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First  
meeting  
of area  
councils

(2) Notwithstanding any general or special Act, the first meeting of the council of each area municipality in the year

1971 and in every second year thereafter shall be held not later than the 8th day of January.

(3) The first meeting of the District Council in the year 1973 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January on such date and at such time and place as may be fixed by by-law of the District Council.

First  
meeting of  
District  
Council

(4) Subject to subsection 5, a person entitled to be a member of the District Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the District Council that he attends a certificate under the hand of the clerk of the area municipality that he represents and under the seal of such area municipality certifying that he is entitled to be a member under such section.

Certificate  
of qualifi-  
cation

(5) A person entitled to be a member of the first District Council in accordance with section 8, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the District Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents certifying that he is entitled to be a member under such section.

Idem

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Oath of  
allegiance,  
declaration  
of qualifi-  
cation

(7) No business shall be proceeded with at the first meeting of the District Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

Declarations  
of office

R.S.O. 1960,  
c. 249

(8) The District Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

When  
council  
deemed  
organized

**11.**—(1) Twelve members of the District Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

Quorum  
voting

(2) Subject to subsection 3, each member of the District Council has one vote only.

One vote

(3) The chairman does not have a vote except in the event of an equality of votes.

Chairman  
vote

**12.**—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in

Vacancies,  
chairman

Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) Except as provided in subsection 1, when a vacancy occurs in the office of chairman, the District Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the District Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the District Council fails to elect a chairman within twenty days as required by subsection 1, the Minister may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

Other members

(4) When a vacancy occurs in the office of a member other than the chairman or the head of the council of an area municipality, the council of the area municipality from which he was elected shall by by-law within thirty days after the vacancy occurs appoint a successor, who is eligible to be elected a member of the District Council, to hold office for the remainder of the term of his predecessor.

When seat to become vacant  
R.S.O. 1960, c. 249

(5) Section 144 of *The Municipal Act*, except clauses *f*, *g* and *h*, applies to the District Council.

Where head of council incapacitated

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the District Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the District Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remuneration

**13.** Members of the District Council, including the chairman, may be paid for services performed on and after the 1st day of January, 1971, such annual and other remuneration as the District Council may determine.

Committees

**14.** The District Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Procedural by-laws

**15.** The District Council may pass by-laws for governing the proceedings of the District Council and any of its committees, the conduct of its members and the calling of meetings.

Head of Council

**16.—(1)** The chairman is the head of the District Council and is the chief executive officer of the District Corporation.

Chief administrative officer

(2) The District Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the District Corporation and perform such duties as the District Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the District Council; and
- (d) shall receive such salary as the District Council by by-law determines.

(3) Subsection 2 of section 239 of *The Municipal Act* <sup>Application of R.S.O. 1960, c. 249, s. 239</sup> applies to a chief administrative officer appointed under subsection 2.

**17.** When the chairman is absent from the District Area <sup>Acting chairman</sup> or absent through illness, or refuses to act, the District Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

**18.—**(1) Sections 192, 193, 195, 197, 198, 253, 275, 276, <sup>Application of R.S.O. 1960, c. 249</sup> 277, 278, 279, 280, and 406a of *The Municipal Act* apply *mutatis mutandis* to the District Corporation.

(2) Sections 190, 198a, 198b, 199 and 244 of *The Municipal Act* <sup>Idem</sup> apply *mutatis mutandis* to the District Council and to every local board of the District Council.

**19.—**(1) The District Council shall appoint a clerk, whose <sup>Appointment of clerk</sup> duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the District Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the District Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the District Council.

(2) The District Council may appoint a deputy clerk who <sup>Deputy clerk</sup> shall have all the powers and duties of the clerk.

Acting  
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the District Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Acting  
clerk, first  
meeting

(4) The chairman appointed under subsection 2 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the District Council in the year 1970 and thereafter until the District Council appoints a clerk or an acting clerk under this section.

Minutes  
open to  
inspection

**20.**—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the District Corporation made to the District Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the District Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the District Council may fix.

Index of  
by-laws  
affecting  
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the District Council that affect land or the use thereof in the District Area but do not directly affect the title to land.

Copies  
certified by  
clerk to be  
receivable  
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the District Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appoint-  
ment of  
treasurer

**21.**—(1) The District Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the District Corporation and preserve and file all accounts of the District Corporation and perform such other duties as may be assigned to him by the District Council.

Deputy  
treasurer

(2) The District Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting  
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the District Council may appoint an acting treasurer *pro*

*tempore*

*tempore* who shall have all the powers and duties of the treasurer.

**22.**—(1) The treasurer shall receive and safely keep all money of the District Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the District Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the District Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized. Receipt and disbursement of money

(2) Notwithstanding subsection 1, the District Council may by by-law, Signing of cheques

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The District Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide. Petty cash fund

(4) Except where otherwise expressly provided by this Act, a member of the District Council shall not receive any money from the treasurer for any work or service performed or to be performed. When member may be paid

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the District Council, unless another disposition of it is expressly provided for by statute. Treasurer's liability limited

**23.** Subject to subsection 3 of section 22, the treasurer shall, Bank accounts

(a) open an account or accounts in the name of the District Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the District Council;

(b) deposit all money received by him on account of the District Corporation, and no other money, to the

credit

credit of such account or accounts, and no other account; and

- (c) keep the money of the District Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 22, the District Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly  
statement

**24.**—(1) The treasurer shall prepare and submit to the District Council, monthly, a statement of the money at the credit of the District Corporation.

Notice to  
sureties

(2) Where the treasurer is removed from office or absconds, the District Council shall forthwith give notice to his sureties.

Appoint-  
ment of  
auditors

**25.**—(1) The District Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the District Council and the auditor or auditors so appointed shall audit the accounts and transactions of the District Corporation and of every local board of the District Corporation.

Cost of  
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the District Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof.

Disquali-  
fication of  
auditors

(3) No person shall be appointed as an auditor of the District Corporation who is or during the preceding year was a member of the District Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the District Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of  
auditors

(4) An auditor shall perform such duties as are prescribed by the Department and also such duties as may be required by the District Council or any local board of the District Corporation that do not conflict with the duties prescribed by the Department.

(5) The District Council may provide that all accounts shall be audited before payment.

Audit of  
accounts  
before  
payment

**26.**—(1) Sections 217, 223, 223*a*, 230, 232, 233, 234 and 236, subsections 1, 4 and 5 of section 238, sections 239, 240, 246 and 248*c* and paragraphs 58, 59, 60, 61 and 62 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation.

Application  
of  
R.S.O. 1960,  
c. 249

(2) Where the District Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the District Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the District Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Pensions

(3) Where the District Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

Idem

(4) Where the District Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the employee shall be deemed to remain an employee of the municipality or local board thereof until the District Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the District Corporation, whereupon the District Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Sick leave  
credits

(5) Where the District Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the District Corporation or local board thereof shall, during the first year of his employment by the District Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he

Holidays

had remained in the employment of the municipality or local board thereof.

Offer of  
employment

(6) The District Council shall offer to employ every person who, on the 1st day of April, 1970, is employed in any undertaking of any local municipality or local board that is assumed by the District Corporation under this Act.

Entitlement  
to salary

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1971, of not less than that which he was receiving on the 1st day of April, 1970.

Application  
of 1961-62,  
c. 97

(8) The District Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62*.

Offer of  
employment

(9) The employees of the local municipalities and the local boards thereof within the District Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1970, and continue to be so employed until the 31st day of December, 1970, except employees offered employment by the District Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1971, of not less than that which he was receiving on the 1st day of April, 1970.

Sick leave  
credits

(10) Any sick leave credits standing, on the 31st day of December, 1970, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Termination  
of employ-  
ment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Commence-  
ment of  
Part

**27.** This Part comes into force on the day this Act receives Royal Assent.

## PART III

## DISTRICT SEWAGE WORKS

**28.**—(1) In this Part,

Interpre-  
tation

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) “sewer system” means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) “treatment works” means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) “work” means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

(2) For the purpose of this Part, a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the District Council. <sup>Idem</sup>

**29.**—(1) For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the District <sup>General powers</sup>

Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the District.

Sewage  
works  
utilities  
commission  
prohibited

(2) The District Corporation shall not entrust the construction or the control and management of the district sewage works to a public utilities commission.

Construc-  
tion, etc.,  
of trunk  
sewer  
works

**30.** The District Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.

Assumption  
of treat-  
ment works

**31.—(1)** The District Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as district sewage works all treatment works operated for, by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the District Corporation.

Other  
works

(2) The District Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1971.

Idem

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed.

Extension  
of time

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein.

District  
liability

(5) Where the District Corporation assumes a work or watercourse vested in an area municipality or local board,

- (a) no compensation or damages shall be payable to the area municipality or local board;
- (b) the District Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or watercourse, but nothing in this

clause requires the District Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable <sup>R.S.O. 1960, c. 223</sup> as the owners' share of a local improvement work.

(6) If the District Corporation fails to make any payment <sup>Default</sup> as required by clause *b* of subsection 5, the area municipality may charge the District Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

(7) In the event of any doubt as to whether any out- <sup>Settling of doubts</sup> standing debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

**32.**—(1) Where any local municipality or a local board <sup>Existing agreements</sup> thereof within the District Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the District Corporation, the District Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

(2) Where any local municipality or a local board thereof <sup>Idem</sup> within the District Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the District Corporation, the District Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

(3) Notwithstanding subsections 1 and 2 and notwithstanding <sup>Termination</sup> anything in any such agreement, the Municipal Board, upon the application of the District Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder.

**33.**—(1) Where all the treatment works of an area muni- <sup>Powers of area municipalities restricted</sup> cipality or any local board thereof are assumed by the District Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the District Council.

Idem

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1970, without the approval of the District Council.

Regulation  
of system

**34.** The District Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the District Area an adequate system of sewage and land drainage disposal.

Special  
benefit

**35.—**(1) Where, in the opinion of the District Council, an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the District Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work, and at any time in respect of the assumption of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the District Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Special  
benefit

(2) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom.

Debt  
payments

(3) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the District Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the District Corporation for the purposes of the area municipality.

Raising of  
money by  
area muni-  
cipalityR.S.O. 1960,  
c. 249

(4) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 380 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or

occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work.

**36.**—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a district work or watercourse without the approval of the District Council. Connecting to district works

(2) The District Corporation may enter into a contract with any local, district or regional municipality outside the District Area to receive and dispose of sewage and land drainage from such municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time. Agreements with other municipalities

(3) Any engineer or other officer of the District Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the district work or watercourse. Inspection

**37.**—(1) The District Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a district work or watercourse, and every area municipality and local board shall conform to such by-laws. Standards for local systems

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a district work or watercourse without the approval of the District Council. Approval of local extensions, etc.

**38.** If the council of an area municipality considers itself aggrieved by the refusal of the District Corporation or the District Council, Appeals

- (a) to assume as a district work any local work;
- (b) to construct, extend or improve any district work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work; or
- (e) to permit a connection or the continuance of a connection to any district work,

the council may appeal to the Municipal Board, which may make such order as it deems advisable in the matter, and the decision of the Municipal Board is final.

Special  
sewage  
service  
rates

**39.**—(1) The District Council may pass by-laws, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any district work or works.

Idem

(2) All such charges constitute a debt of the area municipality to the District Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the District Council.

Raising of  
money by  
area muni-  
cipality  
R.S.O. 1960,  
c. 249

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 380 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

Contribu-  
tion to costs  
of separa-  
tion of  
combined  
sewers

**40.** The District Council may contribute moneys, out of the fund established under subsection 3 of section 111, toward the cost to any area municipality of the separation of sanitary and storm sewers now in existence in the area municipality, the construction of which commenced on or after the 1st day of January, 1970, such amount as it deems proper, not exceeding 25 per cent of the total cost thereof to the area municipality.

Transfer  
of rights  
over works  
assumed

**41.** The District Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the District Corporation and the District Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed.

Inspection  
of local  
works

**42.** Any person authorized by the District Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Use of  
district  
works

**43.** Any works assumed by the District Corporation under section 31 together with any extensions or additions thereto constructed by the District Corporation, may be used by

the District Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 36, from any local or district municipality outside the District Area.

**44.** This Part comes into force on the day this Act receives Royal Assent. Commence-  
ment of  
Part

## PART IV

### HIGHWAYS

**45.** In this Part, Interpre-  
tation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "Department" means the Department of Highways;
- (d) "maintenance" includes repair;
- (e) "Minister" means the Minister of Highways;
- (f) "road authority" means a body having jurisdiction and control of a highway.

**46.—(1)** The District Council shall pass a by-law establishing a district road system and designating the roads to be included therein as district roads, and such by-law shall be submitted to the Minister not later than the 30th day of June, 1971. By-laws  
establishing  
district road  
system by  
June 30,  
1971

(2) Notwithstanding subsection 10, the by-law passed under subsection 1, as approved by the Lieutenant Governor in Council, shall be effective on the 1st day of January, 1972. By-law  
effective  
Jan. 1, 1972

(3) The District Council may by by-law from time to time add roads to or remove roads from the district road system, including such boundary line roads or portions thereof between the District Area and an adjoining municipality as may be agreed upon between the District Council and the council of the adjoining municipality. Adding  
or removing  
roads by  
by-law

(4) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Department within the District Area to the District Corporation and the highway shall for all purposes be deemed to be part Transfer of  
provincial  
highway to  
District  
Corporation

of the district road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of *The Highway Improvement Act*.

R.S.O. 1960,  
c. 171

Vesting of  
roads in  
District  
Corporation

(5) Every road or part thereof that forms part of the district road system and the jurisdiction and control and the soil and freehold thereof are vested in the District Corporation.

Removal of  
roads from  
the district  
road system

(6) The Lieutenant Governor in Council may remove any road from the district road system.

Roads  
removed  
from district  
road system

(7) Where a road or a part thereof is removed from the district road system, except by reason of it being stopped-up pursuant to section 57, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the District Corporation in respect of such road.

Status of  
land  
acquired for  
widening  
district road

(8) Notwithstanding subsection 10, where the District Corporation acquires land for the purpose of widening a district road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the district road system.

Consolidat-  
ing by-laws

(9) The District Council shall, on or before the 1st day of May, 1977, pass a by-law consolidating all by-laws relating to the district road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval of  
by-laws by  
Lieutenant  
Governor in  
Council

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the District Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

Plan of  
construct-  
tion and  
maintenance

**47.—**(1) The District Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

(2) The District Corporation shall submit a by-law covering the estimated expenditure on the district road system for the calendar year to the Minister for his approval, not later than the 31st day of March of the year in which the expenditure is to be made. Submission of by-law covering estimated expenditure

(3) The District Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on the district road system supplementing the by-law submitted under subsection 2. Supplementary by-law

(4) No grant shall be made toward work undertaken by the District Corporation that has not been provided for by a by-law duly approved by the Minister. Limit to grant

**48.** Where the District Corporation proposes the construction, improvement or alteration of a district road, it shall furnish the Minister with such detailed information as he may require. Information to Minister

**49.—**(1) The District Corporation shall annually, and may, with the consent of the Minister at any time during the year, submit to the Minister, Annual statement to Minister

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the person appointed under section 69 that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the treasurer of the District Corporation that the statement of receipts and expenditures is correct; and
- (d) a request for the payment of the grant, authorized by resolution of the District Council.

(2) Upon receipt of the statement, declarations and request and the approval thereof by the proper officer of the Department, the Minister may direct payment to the treasurer of the District Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. Payment to District Corporation

Advance  
payments

(3) Notwithstanding subsection 2 but subject to section 47, the Minister may, in his discretion, direct payment to the District Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

(a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

(b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

Payment for  
road  
improvement

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the district road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the District Corporation, direct payment to the treasurer of the District Corporation out of the moneys appropriated therefor by the Legislature of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Contribution towards  
expenditures

(5) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Expenditures for  
construction,  
maintenance or  
repair

**50.** The roads included in the district road system shall be maintained and kept in repair by the District Corporation, and in all cases the Minister shall determine the amount of expenditure that is properly chargeable to road improvement, and his decision is final.

Powers over  
roads in  
district  
road system

**51.** The District Corporation has, in respect of the roads included in the district road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the district road system, and the District Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the area municipality or municipalities might have done if the roads had not become part of the district road system.

**52.**—(1) The District Corporation is not by reason of a road forming part of the district road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the district road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 443 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks  
excepted

R.S.O. 1960,  
c. 249

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a district road, and the District Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the District Council.

Area municipalities  
may  
construct  
sidewalks,  
etc.

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a district road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost  
provided

R.S.O. 1960,  
c. 223

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a district road shall conform to any requirements or conditions imposed by the District Council, and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area municipalities  
to conform to  
requirements  
and be  
responsible  
for damages

(5) Subsection 4 of section 100 of *The Highway Improvement Act* does not apply to a sidewalk constructed on a district road by the council of a township.

R.S.O. 1960,  
c. 171, s. 100,  
subs. 4, not  
to apply

**53.**—(1) The District Corporation may construct, install, maintain, or remove any works on a highway, other than a road under the jurisdiction and control of the Department, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the district road system.

Installation  
of traffic  
control  
devices

(2) The District Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Department, entering or touching upon or giving access to a road in the district road system.

Relocation  
of inter-  
secting  
roads

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the District Corporation constructs a new road in lieu of the public road, the District Corporation may close the public road at the point of intersection with the district road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction  
of storm  
sewer, etc.,  
on area  
municipality  
road

(4) Where the District Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1960,  
c. 223

Intersection  
of other  
roads by  
district  
roads

**54.** Where a district road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the district road to its full width across the road so intersected is a part of the district road system.

Dedication  
of lands  
abutting  
regional  
roads for  
widening  
purposes

**55.** When land abutting on a district road is dedicated for, or apparently for, widening the district road, the land so dedicated is part of the district road and the jurisdiction and control and the soil and freehold thereof is vested in the District Corporation subject to any rights in the soil reserved by the person who dedicated the land.

New roads

**56.** The District Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 46 by adding such new roads to the district road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1960,  
c. 249

Powers and  
liabilities of  
District  
Corporation

**57.** With respect to the roads in the district road system and the regulation of traffic thereon, the District Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1960,  
cc. 249, 172

Erection of  
gasoline  
pump and  
advertising  
device near  
district road

**58.—(1)** The District Council may by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within 150 feet of any limit of a district road;

(b) any sign, notice or advertising device within one-quarter mile of any limit of a district road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. Permits

**59.**—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the District Council before it is submitted for approval under *The Highway Traffic Act*. By-laws of area municipalities regulating traffic  
R.S.O. 1960,  
c. 172

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the District Council, and the District Council may delegate any of its powers in respect of the operation of such devices to an officer of the District Corporation designated in the by-law. Signal-light devices

(3) The District Corporation may contribute towards the cost of the erection of signal-light traffic control devices erected by an area municipality. Contribution toward cost of signal-lights

(4) Subject to *The Highway Traffic Act*, the District Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a district road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. Traffic control within 100 ft. of district roads

**60.** The District Council may by by-law authorize agreements between the District Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. Agreement for pedestrian walks

**61.**—(1) Sections 452 and 454 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the District Area and an adjoining municipality where such bridge or highway is included in the district road system and in the road system of the municipality. Disputes as to maintenance, etc., of bridges and highways  
R.S.O. 1960,  
c. 249

Idem

(2) When there is a difference between the District Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the District Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the District Corporation or the corporation of the municipality.

Hearing by  
O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the District Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute towards the building and maintaining of such bridge or highway.

Term of  
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary  
bridges  
between  
area muni-  
cipalities  
R.S.O. 1960,  
c. 249

**62.** Clause *b* of subsection 1 of section 419 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the district road system.

Boundary  
bridges  
between  
District  
Area and  
adjoining  
municipality

**63.** Section 434 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the District Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the district road system.

Restrictions

**64.**—(1) The District Council has, with respect to all land lying within a distance of 150 feet from any limit of a district road, all the powers conferred on the council of a local municipality by section 30 of *The Planning Act*.

R.S.O. 1960,  
c. 296

(2) In the event of conflict between a by-law passed under subsection 1 by the District Council and a by-law passed under section 30 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the District Council prevails to the extent of such conflict.

**65.**—(1) The District Council may by by-law designate any road in the district road system, or any portion thereof, as a controlled-access road.

(2) Subject to the approval of the Municipal Board, the District Council may by by-law close any municipal road that intersects or runs into a district controlled-access road.

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the District Corporation within such time as the Municipal Board shall direct.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the District Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the District Corporation discontinues its application or, having

obtained

obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the District Corporation as it considers proper and may fix the amount of such costs.

**Appeal**

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal appeal to that court from any order of the Municipal Board approving the closing of such road, and the District Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

**Leave to appeal**

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

**Practice and procedure on appeal**

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Court of Appeal is final.

**R.S.O. 1960, c. 274, s. 95 not to apply**

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

**Private roads, etc., opening upon controlled-access roads**

**66.**—(1) Subject to the approval of the Municipal Board, the District Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a district controlled-access road.

**Notice**

(2) The District Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure, or facility constructed or used as a means of access to a district controlled-access road in contravention of a by-law passed under subsection 1.

**Service of notice**

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the second day following the mailing thereof.

**Failure to comply with notice**

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the District Council may by resolution direct any officer, employee or agent of the District Corporation to enter upon the land of such person and do or cause to

be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a district controlled-access road was constructed or used, as the case may be,

(a) before the day on which the by-law designating the road as a district controlled-access road became effective; or

(b) in compliance with a by-law passed under subsection 1 in which case the making of compensation is subject to any provisions of such by-law.

**67.**—(1) Where the District Corporation adds to the district road system any road in an area municipality, no compensation or damages shall be payable to the area municipality in which it was vested.

(2) Where a road has been added to the district road system by a by-law passed under subsection 3 of section 46, the District Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the District Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement work.

(3) If the District Corporation fails to make any payment as required by subsection 2, the area municipality may charge the District Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling  
of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road added to the district road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping up  
highways

**68.**—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall notify by registered mail the District Corporation of its intention.

Agreement

(2) If the District Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the District Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appoint-  
ment of  
district  
roads  
engineer  
1968-69,  
c. 99

**69.** The District Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act, 1968-69*, to administer and manage the district road system.

Applica-  
tion of  
R.S.O. 1960,  
c. 171

**70.** Sections 95, 97, 99, 102 and 105 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the district road system.

Commence-  
ment of  
Part

**71.** This Part comes into force on the day this Act receives Royal Assent.

## PART V

### PLANNING

Planning  
area

**72.**—(1) On and after the 1st day of January, 1971, the District Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Muskoka Planning Area.

R.S.O. 1960,  
c. 296

Designated  
municipi-  
pality

(2) The District Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Muskoka Planning Area.

Planning  
areas  
dissolved

(3) All planning areas and subsidiary planning areas that are included in the Muskoka Planning Area, together with the boards thereof, are hereby dissolved on the 31st day of December, 1970.

(4) Each area municipality is constituted a subsidiary <sup>Area municipalities</sup> planning area effective the 1st day of January, 1971, and the council may establish a planning board for the area municipality in accordance with *The Planning Act* otherwise the council shall be the planning board.

(5) Nothing in subsections 3 and 4 affects any official plan <sup>Proviso</sup> in effect in any part of the District Area.

(6) When the Minister has approved an official plan adopted <sup>Effect of official plan</sup> by the District Council,

(a) every official plan and every by-law passed under section 30 of *The Planning Act* or a predecessor <sup>R.S.O. 1960, c. 296</sup> thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

**73.**—(1) The District Council shall investigate and survey <sup>Planning duties of District Council</sup> the physical, social and economic conditions in relation to the development of the Muskoka Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Muskoka Planning Area, and without limiting the generality of the foregoing it shall,

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Muskoka Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Muskoka Planning Area in determining the solution of problems or matters affecting the development of the Muskoka Planning Area; and

(c) consult with any local board having jurisdiction within the Muskoka Planning Area.

(2) The District Council, before the 31st day of December, 1974, shall prepare, adopt and forward to the Minister for approval an official plan <sup>Official plan</sup> for the District Area, and the council of each area municipality shall within two years thereafter adopt and forward to the Minister for approval an official plan for the area municipality.

Planning  
staff

(3) The District Council shall appoint such planning staff as may be considered necessary.

Advisory  
committee

(4) The District Council and the council of any area municipality may each appoint such advisory planning committees as it considers necessary.

District  
Corporation  
deemed  
municipality under  
R.S.O. 1960,  
c. 296

(5) Subject to this Part, the District Corporation shall be deemed to be a municipality and the District Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 11, 12, 12a, 13, 14, 15, 16, 19, 23, 24, 25, 28, 33 and 34 of *The Planning Act*.

Idem

(6) The District Council shall be deemed to be a county for the purposes of clause *d* of subsection 1 and clause *b* of subsection 3 of section 26 and section 31a of *The Planning Act*.

Agreements  
re plans  
of sub-  
division

(7) The District Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements  
re special  
studies

(8) The District Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute, for the carrying out of studies relating to the Muskoka Planning Area or any part thereof.

Delegation  
of Minister's  
powers

(9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the District Council any of the Minister's powers of approval under *The Planning Act*.

Committees  
of adjust-  
ment

(10) All committees of adjustment heretofore constituted by the council of a local municipality in the Muskoka Planning Area are hereby dissolved on the 31st day of December, 1970, and the council of each area municipality shall forthwith after the 1st day of January, 1971, pass a by-law constituting and appointing a committee of adjustment under section 32a of *The Planning Act*.

Application  
of  
R.S.O. 1960,  
c. 296

**74.** Except as provided in this Part, the provisions of *The Planning Act* apply.

Commence-  
ment of  
Part

**75.** This Part comes into force on the day this Act receives Royal Assent.

## PART VI

## HEALTH AND WELFARE SERVICES

**76.**—(1) The District Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Liability for hospitalization of indigents  
R.S.O. 1960,  
cc. 322, 305

(2) The District Corporation is liable for the hospitalization and burial, after the 31st day of December, 1970, of an indigent person or his dependant who was in hospital on the 31st day of December, 1970, and in respect of whom any local municipality within the District Area was liable because the indigent person was a resident of such local municipality.

Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1971.

Proviso

(4) The 1971 indigent hospitalization grant payable under section 8a of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality, for the purposes mentioned in such section 8a in the year 1970 and shall be paid to the District Corporation.

Hospitalization grant 1971 under R.S.O. 1960, c. 259

**77.** The District Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the District Area and may issue debentures therefor.

Aid to hospitals

**78.** On and after the 1st day of January, 1971, the District Area shall continue to be part of the health unit established under *The Public Health Act* known as the Muskoka-Parry Sound Health Unit.

District Area part of Muskoka-Parry Sound Health Unit  
R.S.O. 1960, c. 321

**79.** The representation of the District Area on the board of health of the Muskoka-Parry Sound Health Unit shall comprise one member of the council of each area municipality, who is also a member of the District Council, appointed by the District Council.

Representation on board of health

**80.**—(1) For the purposes of the following Acts, the District Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

District Corporation deemed city under 1967, c. 3,  
R.S.O. 1960, cc. 236, 359, 425

1. *The Anatomy Act, 1967.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

District  
Corporation  
deemed  
county  
under 1966,  
c. 37,  
R.S.O. 1960,  
cc. 164, 173

(2) For the purposes of the following Acts, the District Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *The Day Nurseries Act, 1966.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

Liability  
respecting  
homes for  
the aged  
R.S.O. 1960,  
c. 174

**81.**—(1) The District Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Application

(2) Section 13 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home except that the authorization and statement in the prescribed forms referred to in clauses *e* and *h* of subsection 1 of such section 13 shall be signed by such person or persons as may be designated by resolution of the District Council.

Dissolution  
of Board of  
Manage-  
ment,  
district  
home vested  
in District  
Corporation

**82.**—(1) On the 1st day of January, 1971, the District of Muskoka Homes for the Aged Board of Management is hereby dissolved and all the assets and liabilities thereof, including the home for the aged known as The Pines and all real and personal property used for the purposes of such home are vested in the District Corporation, and no compensation or damages shall be payable to such Board of Management in respect thereof.

Residents of  
Nipissing  
Home for  
the Aged

(2) The District Corporation shall pay to the Board of Management of Nipissing Home for the Aged the cost of maintenance in the Nipissing Home for the Aged, incurred after the 31st day of December, 1970, of every resident of that home who was admitted thereto due to residence in an area that becomes part of any area municipality.

Amount of  
maintenance  
payment

(3) The amount payable by the District Corporation under subsection 2 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

**83.** No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act, 1965* and the District Corporation shall be deemed to be a county for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act. District Corporation deemed county under 1965, c. 14

**84.** The District Corporation is liable for the amounts payable on or after the 1st day of January, 1971, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred

**85.** Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be deemed to be an order upon the District Corporation, and the sums of money required to be paid under such order shall be paid by the District Corporation and not by the area municipality. Liability under order made under R.S.C. 1952, c. 160

**86.** Every area municipality and every officer or employee thereof shall, at the request of the officers of the District Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. Information

**87.** In the event that there is any doubt as to whether the District Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. Adjustments

**88.** The District Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act, 1966*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. Grants to approved corporations under 1966, c. 65

**89.** This Part comes into force on the 1st day of January, 1971. Commencement of Part

## PART VII

### POLICE

**90.—(1)** On and after the 1st day of January, 1971, *The Police Act*, except section 59, and sections 352 and 353 of *The Municipal Act* do not apply to any area municipality. Application of R.S.O. 1960, cc. 298, 249

**(2)** The District Corporation shall be deemed to be a municipality for the purposes of section 59 of *The Police Act*. District Corporation deemed municipality for R.S.O. 1960, c. 298, s. 59

Application  
to Town of  
Gravenhurst

(3) On and after the 9th day of May, 1970, *The Police Act*, except section 59, and sections 352 and 353 of *The Municipal Act* do not apply to the Town of Gravenhurst.

O.P.P. to  
undertake  
police  
functions in  
District  
Area

**91.** All police functions, other than the enforcement of by-laws of the District Council or of the council of any area municipality, shall, on and after the 1st day of January, 1971, be undertaken by the Ontario Provincial Police in the District Area.

O.P.P. to  
undertake  
police  
functions in  
1970 in  
Town of  
Gravenhurst

**92.** All police functions, other than the enforcement of municipal by-laws shall, on and after the 9th day of May, 1970, be undertaken by the Ontario Provincial Police in the Town of Gravenhurst.

Liaison  
Committee

**93.** The District Council shall establish a committee of seven persons consisting of the chairman and one representative from the council of each area municipality to be known as the Muskoka District Police Liaison Committee which shall meet at monthly intervals with the representatives of the Ontario Provincial Police to discuss police matters within the District Area.

Application  
of s. 26

**94.** The provisions of subsections 9 to 12 of section 26 apply to every member of the police forces of the towns of Bracebridge, Gravenhurst and Huntsville.

Commence-  
ment of  
Part

**95.** This Part comes into force on the day this Act receives Royal Assent.

## PART VIII

### FINANCES

Interpreta-  
tion

**96.** In this Part,

(a) "merged area" means any area so designated by the Minister for the purposes of this Part;

(b) "rateable property" includes business and other assessment made under *The Assessment Act, 1968-69*.

1968-69,  
c. 6

Investment  
of money not  
immediately  
required  
R.S.O. 1960,  
c. 249

**97.** Section 302 of *The Municipal Act* applies *mutatis mutandis* to the District Corporation.

### YEARLY ESTIMATES AND LEVIES

Yearly  
estimates

**98.—(1)** The District Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the District Corporation, including the sums

required

required by law to be provided by the District Council for any local board of the District Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

(2) In preparing the estimates, the District Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve.

**99.**—(1) The District Council in each year shall levy against the area municipalities a sum sufficient,

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the District Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the District Corporation is liable under this Act.

(2) The District Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the District Area, according to the last revised assessment rolls.

(4) The Department shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities.

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister.

(6) Upon completion by the Department of the revision and equalization of assessment, the Department shall notify the District Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality.

## Appeal

(7) If any area municipality is not satisfied with the assessment as revised and equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Department.

## Idem

(8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization.

Amendment  
of by-law  
where  
necessary  
following  
appeal

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Department and has been appealed, the District Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the District Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the District Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the District Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed assess-  
ments, etc.,  
not to apply

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act, 1968-69* or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act, 1968-69*.

1968-69,  
c. 6Assessment  
to include  
valuations  
on properties  
for which  
payments in  
lieu of taxes  
paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of district levies are paid by the Crown in right of Canada or any province or any board,

commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

(12) The clerk of each area municipality shall transmit to the Department, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Department shall revise and equalize the valuations, and shall thereupon notify the District Corporation of the revised and equalized valuations. <sup>Valuation of properties</sup>

(13) One by-law or several by-laws for making the levies may be passed as the District Council may deem expedient. <sup>Levy by-laws</sup>

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act, 1968-69*, in each area municipality the district levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof. <sup>District levy 1968-69, c. 6</sup>

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the District Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the District Corporation at the times and in the amounts specified by the by-law of the District Council mentioned in subsection 2. <sup>Payment</sup>

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. <sup>Default</sup>

**100.** In sections 101 and 103,

<sup>Residential and commercial assessment defined</sup>

(a) "commercial assessment" means the total of,

(i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan, regional or district corporation or local board thereof, and

(ii) the business assessment, and

(iii)

- (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 7 of *The Assessment Act, 1968-69*,

1968-69,  
c. 6

according to the last revised assessment roll;

- (b) "residential assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

#### Rates

R.S.O. 1960,  
c. 249

**101.**—(1) The council of each area municipality shall levy, as provided by this section, the sums adopted for general purposes in accordance with section 297 of *The Municipal Act*, together with a sum equal to the aggregate of the sums required by law to be provided by the council for the District Corporation or any board, commission or other body, but not the sums required to be levied under section 103 of this Act.

#### Equalization of assess- ment of merged areas

(2) The Department shall revise and equalize, by the application of the latest equalization factors of the Department, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding.

#### Notice

(3) Upon completion by the Department of the revision and equalization of assessment in an area municipality under subsection 4, the Department shall notify the area municipality of the revised and equalized assessment.

#### Levy on commercial assessment

(4) The amount to be raised by an area municipality in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied in accordance with subsection 1 that the commercial assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2.

#### Levy on residential assessment

(5) The amount to be raised by an area municipality in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum levied under subsection 1 that the residential assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by

the Department under subsection 4, reduced by the sum equal to the estimated revenue from payments to be received in that year by the municipality under section 7 of *The Municipal Unconditional Grants Act*.

R.S.O. 1960,  
c. 259

(6) The sums levied under subsection 1 shall be apportioned among the merged areas of each area municipality in the following manner: Apportionment among merged areas

1. The amount, as ascertained in accordance with subsection 4, to be raised by the area municipality in each year by levy on the commercial assessment shall be apportioned among the merged areas in the proportion that the total commercial assessment in each merged area bears to the total commercial assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2. Commercial
2. The amount, as ascertained in accordance with subsection 5, to be raised by the area municipality in each year by levy on the residential assessment shall be apportioned among the merged areas in the proportion that the total residential assessment in each merged area bears to the total residential assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2. Residential

(7) The council of the area municipality shall levy on the whole of the commercial assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 1 of subsection 6. Levy on commercial assessment in merged areas

(8) The council of the area municipality shall levy on the whole of the residential assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 2 of subsection 6. Levy on residential assessment in merged areas

(9) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 99. When provisions cease to apply

**102.**—(1) Notwithstanding section 99, in the year 1971 the District Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the District Area in the year 1970 for Levy by District Council before estimates adopted

general municipal purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 99, and subsections 15 and 16 of section 99, apply to such a levy.

*Idem*

(2) Notwithstanding section 99, in the year 1972 and in each subsequent year the District Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the District Council in the preceding year against that area municipality and subsections 15 and 16 of section 99 apply to such a levy.

Levy under  
s. 99 to be  
reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 99.

Levy by area  
municipality  
before  
estimates  
adopted

(4) Notwithstanding section 101, until the date determined by the Minister under subsection 5 of section 99, the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Business  
assessment

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 101, until the date determined by the Minister under subsection 5 of section 99 may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Levy made  
under s. 101  
to be  
reduced

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 101.

Application  
of R.S.O.  
1960, c. 249  
section 294a,  
subs. 3

(7) Subsection 3 of section 294a of *The Municipal Act* applies to levies made under this section.

(8) Section 294a of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 99. R.S.O. 1960, c. 249, section 294a not to apply

**103.**—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area. Rates under R.S.O. 1960, c. 368

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 101. Rates for public school purposes on commercial assessment R.S.O. 1960, c. 361

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 101. Rates for public school purposes on residential assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 101. Rates for secondary school purposes on commercial assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 101. Rates for secondary school purposes on residential assessment R.S.O. 1960, c. 361

Regulations  
under R.S.O.  
1960, c. 362  
to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where in any year a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act* the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application  
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 99.

Transitional  
adjustments

**104.** The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Allowances  
to be made  
in estimates  
of area  
municipalities in  
1971  
R.S.O. 1960,  
c. 249

**105.—**(1) For the purpose of subsection 2 of section 297 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1971 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Merged  
areas

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1970.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

#### ADJUSTMENTS

Interpreta-  
tion

**106.—**(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 297 of *The Municipal Act*.

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1970, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 4, shall be provided for by adjustment of the tax rate in the year 1971. Surplus or deficit at December 31, 1970, to be applied to supporting assessment

(3) The audited surplus or operating deficit of a local roads board or statute labour board at the 31st day of December, 1970, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 4, shall be provided for by adjustment of the tax rate in the year 1971. Idem

(4) Where, in the opinion of the Minister, the operation of this section would cause substantial hardship to the taxpayers in a particular merged area within any area municipality, he may, by order, provide that the necessary adjustment in the tax rate be made over a period of not more than five years. Adjustments may be spread over five years by order

**107.**—(1) The Minister may, on or before the 1st day of September, 1970, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of McLean, the Township of Medora and Wood, the Township of Monck and the Township of Muskoka. Arbitration

(2) Each committee shall consist of one or more treasurers designated by the Minister representing municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds, and the treasurer of the divided municipality whose assets, liabilities or reserve funds are to be considered, or such other person or persons as the Minister may appoint. Idem

(3) Before the 31st day of December, 1970, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1971. Provisional determination

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1970, together with determinations of any financial adjustments which may be necessary. Final determination

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council Idem

of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 10 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1960,  
c. 249

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Substantial  
hardship

(7) Where, in the opinion of the Minister, any financial settlement arising from the application of this section would cause substantial hardship to the taxpayers of an area municipality, he may, by order, provide that such settlement be made over a period not exceeding five years.

Documents  
and records  
of divided  
municipalities

(8) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

#### URBAN SERVICES

Interpreta-  
tion

#### 108.—(1) In this section,

- (a) “cost” includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing an urban service, the cost of managing, operating and maintaining such urban service, the cost of any land, buildings and equipment necessary for providing an urban service, and the cost of the issue and sale of debentures for an urban service and any discount allowed to the purchases of them;
- (b) “urban service” means,
  - (i) the collection and disposal of sewage and land drainage, or
  - (ii) the collection and removal of ashes or garbage or other refuse, or
  - (iii) street lighting, or
  - (iv) the provision and distribution of an adequate supply of water.

(2) The council of each area municipality shall, with the approval of the Municipal Board, by by-law designate the areas in which an urban service is or is to be provided by the area municipality.

Areas of  
urban  
service

(3) The aggregate amount of the sums necessary in each year to pay the cost of an urban service in a designated area, including the area municipalities' portion of all debenture charges for works constructed under *The Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with such urban service, except to the extent that such cost is raised by special assessments, under any general or special Act, or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all rateable property in the designated area and no part of the cost of providing such urban service shall be levied on any part of the area municipality lying outside the designated area.

Levy in  
areas

R.S.O. 1960  
cc. 223, 249

#### RESERVE FUNDS

**109.**—(1) Reserve funds established by local municipalities for purposes for which the District Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the District Corporation and the assets of such reserve funds are vested in the District Corporation.

Reserve  
funds of  
municipal-  
ties

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the District Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part, and the assets of such reserve funds are vested in such area municipality.

Idem

**110.**—(1) The District Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the District Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Reserve  
funds,  
estab-  
lishment, etc.

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

Investments  
and income

R.S.O. 1960,  
c. 408

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

Expenditure  
of reserve  
fund moneys

Auditor to  
report on  
reserve  
funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

Planning  
fund

**111.**—(1) The District Council shall establish and maintain a planning fund.

Purpose of  
fund

(2) The moneys in the fund established under subsection 1 may be used only to defray the costs of the District Council in exercising its powers under Part V.

Pollution  
control fund

(3) The District Council shall establish and maintain a pollution control fund and shall contribute to such fund, in each year, the sum equivalent to a sum calculated at one quarter of one mill in the dollar upon the total assessment upon which the district levy is apportioned in that year among the area municipalities under subsection 3 of section 99.

Purpose of  
fund

(4) The moneys in the fund established under subsection 3 may be used only to defray the costs of the District Council in exercising its powers under Part III and for pollution control measures undertaken in the District Area, which measures are in addition to the normal pollution control measures being undertaken by the Muskoka-Parry Sound Health Unit.

Cost of  
District  
Council  
under  
Part III

(5) None of the costs of the District Council in exercising its powers under Part III shall form part of the levy under section 99 except as provided in subsection 4.

Investments  
and income

(6) The moneys raised for each of the funds established under this section shall be paid into special accounts and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys for each fund form part of that fund.

R.S.O. 1960,  
c. 408

Expenditure  
of fund  
moneys

(7) The moneys raised for each fund established under this section shall not, without the approval of the Department, be expended, pledged or applied to any purpose other than that for which the fund was established.

Auditor to  
report on  
funds

(8) The auditor in his annual report shall report on the activities and position of each fund established under this section in the form prescribed by the Department.

#### SPECIAL PROVINCIAL ASSISTANCE

Special  
contributions

**112.** The following contributions, in each of the years 1971, 1972, 1973, 1974 and 1975, to the expenditures of the District Corporation shall be paid out of the Consolidated Revenue Fund,

- (a) an amount of \$150,000, to be known as the Environmental Development Grant, of which \$50,000 shall be paid into the fund established under subsection 1 of section 111 and \$100,000 into the fund established under subsection 3 of section 111; and
- (b) an amount of \$50,000 to defray part of the cost of administrative expenditures of the District Council.

#### TEMPORARY LOANS

**113.**—(1) The District Council may by by-law, either Current borrowings before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the District Council may deem necessary to meet, until the levies are received, the current expenditures of the District Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the District Corporation and the sums required by law to be provided by the District Council for any local board of the District Corporation.

(2) The amount that may be borrowed at any one time Limit upon borrowings for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the District Corporation as set forth in the estimates adopted for the year.

(3) Until such estimates are adopted, the limitation upon Temporary application of estimates of preceding year borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the District Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1971 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

(4) The lender is not bound to establish the necessity of Protection of lender borrowing the sum lent or to see to its application.

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the District Corporation and signed by the chairman or by some other person authorized by by-law to sign it and by the treasurer and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. Execution of promissory notes

Creation of  
charge

(6) The District Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the District Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of  
agreements

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalties for  
excess  
borrowings

(8) If the District Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty for  
misapplica-  
tion of  
revenues by  
District  
Council

(9) If the District Council authorizes the application of any revenues of the District Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for  
misapplica-  
tion of  
revenues by  
officials

(10) If any member of the District Council or officer of the District Corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving as to  
penalties

(11) Subsections 8, 9 and 10 do not apply to the District Council or any member of the District Council or officer of the District Corporation acting under an order or direction issued or made under the authority of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the District Corporation is made with the consent of the lender in whose favour a charge exists.

R.S.O. 1960,  
c. 98

#### DEBT

Debt

R.S.O. 1960,  
c. 274

**114.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the District Council may borrow money for the purposes of,

(a) the District Corporation;

(b)

- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the District Corporation.

(2) All debentures issued pursuant to a by-law passed by the District Council under the authority of this Act are direct, joint and several obligations of the District Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the District Corporation and of the area municipalities respectively as among themselves. Liability

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1970, power to issue debentures. Limitation

(4) When an area municipality, prior to the 31st day of December, 1970, Uncompleted works

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and R.S.O. 1960,  
c. 274
- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the District Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the District Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 117, and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the District Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*. Bonds,  
debentures,  
etc., trustee  
investments  
R.S.O. 1960,  
c. 408

Power to  
incur debt  
or issue  
debentures  
R.S.O. 1960,  
c. 274

**115.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the District Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 114 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the District Area.

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the District Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the District Council has been obtained.

Proviso

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Hearing

**116.**—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the District Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter.

Notice

(2) Notice of the hearing shall be given to the clerk of the District Corporation and to the clerk of each area municipality in such manner as the Municipal Board may direct.

Dispensation  
with  
hearing

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation.

Idem

(4) The Municipal Board may direct that an applicant give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the District Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing.

Borrowing  
pending  
issue and  
sale of  
debentures

**117.**—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for its purposes, the District Council

pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrow- <sup>Idem</sup>ing of money and the issue of debentures by the District Corporation for the purposes of an area municipality, the District Council pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The District Corporation may charge interest on any <sup>Interest on</sup> proceeds of an advance or loan transferred under subsection 2 <sup>proceeds</sup> at a rate sufficient to reimburse it for the cost of such advance <sup>transferred</sup> or loan.

(4) The proceeds of every advance or loan under this sec- <sup>Application</sup>tion shall be applied to the purposes for which the debentures <sup>of proceeds</sup>were authorized, but the lender shall not be bound to see to <sup>of loan</sup>the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 129, shall be transferred to the area municipality.

(5) Subject to subsection 4, the redemption of a debenture <sup>Hypotheca-</sup>hypothecated does not prevent the subsequent sale thereof. <sup>tion not to</sup> <sup>prevent sub-</sup> <sup>sequent sale</sup> <sup>of debentures</sup>

**118.**—(1) Subject to subsection 2, a money by-law for the <sup>Principal</sup>issuing of debentures shall provide that the principal shall <sup>and interest</sup>be repaid in annual instalments with interest annually or <sup>payments</sup>semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

(2) A money by-law for the issuing of debentures may <sup>Sinking fund</sup>provide that the principal shall be repaid at a fixed date with <sup>debentures</sup>interest payable annually or semi-annually, in which case

debentures issued under the by-law shall be known as sinking fund debentures.

When debentures to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy against area municipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the District Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by area municipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Levies a debt

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the District Corporation.

By-law to change mode of issuing debentures

(8) The District Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa* and where any debentures issued under the by-law have been sold, pledged or hypothecated by the District Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures when to be dated and issued

(9) All the debentures shall be issued at one time and within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number

of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the District Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

(10) All the debentures shall bear the same date, except <sup>Date of debentures</sup> where they are issued in sets in which case every debenture of the same set shall bear the same date.

(11) Notwithstanding the provisions of the by-law, the <sup>Idem</sup> debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

(12) The Municipal Board, on the application of the <sup>Extension of time for issue</sup> District Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(13) The extension may be made although the application <sup>Application after time expired</sup> is not made until after the expiration of the two years or of the time provided for the issue of the set.

(14) Unless the by-law names a later day when it is to take <sup>Effective date</sup> effect, it takes effect on the day of its passing.

(15) Notwithstanding any general or special Act, the Dis- <sup>Consolidation</sup> trict Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(16) Section 283 of *The Municipal Act* applies *mutatis mutandis* to the District Corporation. <sup>Consolidating debenture by-laws R.S.O. 1960, c. 249</sup>

(17) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the District Corporation on any date prior to maturity, subject to the following provisions: <sup>Redemption before maturity</sup>

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and

the amount at which such debenture may be so redeemed.

2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption, and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the District Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, or the validity of such special assessments or levies, or the powers of the District Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the District Council in respect of the debenture so redeemed.

Currency

(18) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

(a) in lawful money of Canada and payable in Canada;  
or

(b) in lawful money of the United States of America and payable in the United States of America; or

(c)

- (c) in lawful money of Great Britain and payable in Great Britain.

(19) Where, under the provisions of the by-law, debentures <sup>Annual rates</sup> issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the District Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(20) When sinking fund debentures are issued, the amount <sup>Principal levies</sup> of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding  $3\frac{1}{2}$  per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(21) When sinking fund debentures are issued, the sinking <sup>Consolidated bank</sup> fund committee shall keep one or more consolidated bank <sup>accounts</sup> accounts in which,

- (a) the treasurer of the District Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(22) When sinking fund debentures are issued, there shall <sup>Sinking fund committee</sup> be a sinking fund committee that shall be composed of the treasurer of the District Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the District Corporation, such annual remuneration as the Lieutenant Governor in Council may determine.

(23) The Lieutenant Governor in Council may appoint an <sup>Alternate members</sup> alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(24) The treasurer of the District Corporation shall be the <sup>Chairman</sup> chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

## Security

(25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the District Corporation shall determine, and in other respects the provisions of section 234 of *The Municipal Act* apply with respect to such security.

R.S.O. 1960,  
c. 249

## Quorum

(26) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of  
sinking fund  
assets

(27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

Withdrawals  
from bank  
accounts

(28) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

## Investments

(29) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

## Idem

(30) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1960,  
c. 408

(a) in securities in which a trustee may invest under *The Trustee Act*;

(b) in debentures of the District Corporation;

(c) in temporary advances to the District Corporation pending the issue and sale of any debentures of the District Corporation;

(d) in temporary loans to the District Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of  
securities  
with Treas-  
urer of  
Ontario

(31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of  
securities by  
Treasurer  
of Ontario

(32) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under

subsection 31 only upon the direction in writing of the sinking fund committee.

(33) All sinking fund debentures issued on the same date, <sup>Sinking fund accounts</sup> payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

(34) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, <sup>Earnings credited to sinking fund account</sup> obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 20 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 20 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause *a*.

(35) The treasurer of the District Corporation shall prepare <sup>Sinking fund requirements</sup> and lay before the District Council in each year, before the annual district levies are made, a statement showing the sums that the District Council will be required, by by-law, to raise for sinking funds in that year.

(36) If the treasurer of the District Corporation contravenes <sup>Offence</sup> subsection 21 or 35, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

(37) If the District Council neglects in any year to levy <sup>Failure to levy</sup> the amount required to be raised for a sinking fund, each member of the District Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

(38) Notwithstanding this or any other Act or by-law, if <sup>Where amount in sinking fund account more than sufficient to pay debt</sup> it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or

by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the District Council or the council of an area municipality, may authorize the District Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion  
of sinking  
funds

(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the District Corporation or otherwise than is provided in this section.

Surplus

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
  - (i) to retire unmatured debentures of the District Corporation or of an area municipality,
  - (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the District Corporation or of an area municipality,
  - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the District Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and  
surplus

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the District Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40.

**119.**—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the District Council to pass a by-law to amend such by-law so as to provide for, <sup>When rate of interest may be varied</sup>

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 117 shall not constitute a sale or other disposal thereof. <sup>Hypothecation not a sale under this section</sup>

(3) The District Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. <sup>Consolidation of debentures</sup>

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the District Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the District Council. <sup>Special assessment and levies</sup>

**120.**—(1) Where part only of a sum of money provided for by a by-law has been raised, the District Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually. <sup>Repeal of by-law when part only of money to be raised</sup>

When to  
take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt  
paid certain  
by-laws  
cannot be  
repealed

**121.**—(1) Subject to section 120, after a debt has been contracted under a by-law, the District Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually and shall not apply to any other purpose any money of the District Corporation that has been directed to be applied to such payment.

Application  
of payments

(2) When the District Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for  
neglect of  
officer to  
carry out  
by-law

**122.** Any officer of the District Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the District Corporation who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money  
by-laws  
may be  
registered

**123.**—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the District Corporation, in the Registry Office for the Registry Division of the Judicial District.

Application  
to quash  
registered  
by-law,  
when to be  
made  
R.S.O. 1960,  
c. 274

1962-63, c. 39  
R.S.O. 1960,  
c. 223

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act, 1962-63* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court

of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be.

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms. Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms. Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 115 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 118 have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to register

**124.**—(1) A debenture or other like instrument shall be sealed with the seal of the District Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman or by some other person authorized by by-law of the District Corporation to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the District Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. Interest coupons

Mechanical reproduction of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the District Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of mechanical reproduction

(4) The seal of the District Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the District Corporation.

Sufficiency of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the District Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures on which payment has been made for one year to be valid

**125.** Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the District Corporation, the by-law and the debentures issued under it are valid and binding upon the District Corporation.

Mode of transfer may be prescribed

**126.—**(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....  
.....  
of.....

the

the treasurer (or such other person so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by entry in Debenture Registry Book

**127.** Where a debenture is defaced, lost or destroyed, the District Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replacement of lost debentures

**128.**—(1) On request of the holder of any debenture issued by the District Corporation, the treasurer of the District Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of debentures

(2) On the request of the sinking fund committee, the treasurer of the District Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the District Corporation.

On request of sinking fund committee

(3) Any new debentures mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New debentures of same force and effect as debentures surrendered

(4) The treasurer and auditor of the District Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book

Debentures surrendered for exchange to be cancelled

that

that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application  
of proceeds  
of debentures

**129.**—(1) The moneys received by the District Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the District Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the District Corporation or an area municipality.

Surplus

(3) Where, on the sale of any debenture, an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the District Corporation, to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where, on the sale of any debentures, a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

**130.** Where real or personal property acquired out of moneys received by the District Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 129 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Use of  
proceeds of  
sale of  
assets ac-  
quired from  
proceeds of  
sale of  
debentures

**131.** When the District Corporation intends to borrow money on debentures under this or any other Act, the District Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Tenders for  
debentures

**132.—(1)** The District Council shall,

Accounts,  
how to be  
kept

(a) keep a separate account of every debenture debt;

(b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

(i) an additional account for the interest, if any, and

(ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

(c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The District Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated  
interest  
account

Application  
of surplus  
money

**133.** If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

Liability of  
members

**134.—**(1) If the District Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by  
ratepayer

(2) If the District Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the District Area.

Disqualifi-  
cation

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing  
of deben-  
tures

**135.** When, by or under the authority of this Act, the District Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the District Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the District Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the District Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the District Corporation to raise the money required to complete such purchase.

Disposal  
of assets

**136.** After the 15th day of May in the year 1970, no local municipality shall, without the approval of the Ontario Municipal Board, dispose of any asset purchased at a cost of, or valued at, more than \$5,000.

**137.**—(1) This Part, except sections 107 and 136, comes into force on the 1st day of January, 1971. Commencement of Part

(2) Sections 107 and 136 come into force on the day this Act receives Royal Assent. Idem

## PART IX

### GENERAL

**138.**—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248*b* and 250*a* and paragraphs 3 and 22 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation, and, for the purposes of section 410 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality. Application of R.S.O. 1960, c. 249

(2) Sections 10 and 11, and, subject to subsection 2 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the District Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Exceptions

(3) The District Corporation shall be deemed to be a local municipality for the purpose of paragraph 116 of subsection 1 of section 379 of *The Municipal Act*. Nuisances

(4) Notwithstanding any other provision in this Act, the District Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 1 of section 36, subsection 2 of section 37 and subsection 2 of section 52 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approval and consents

(5) For the purposes of *The Construction Safety Act, 1961-62*, the District Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes. Deemed county for 1961-62, c. 18

(6) Every by-law of a local municipality as it exists on the 31st day of December, 1970, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1971, until repealed by the council of an area municipality as it affects such area municipality. By-laws to remain in force

**139.**—(1) The District Council may pass by-laws, Emergency measures and civil defence

(a) for the establishment and maintenance of an emergency measures civil defence organization in the District Area; and

(b)

- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the District Area,

and when a by-law passed under this subsection is in force in the District Area any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 378 of *The Municipal Act* have no effect.

R.S.O. 1960,  
c. 249

Powers of  
District  
Council

(2) When a by-law passed under clause *a* of subsection 1 is in force, the District Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof, to be in charge of such departments or utilities throughout the District Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*;
- (d) for acquiring alternative headquarters for the District Government outside the District Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1952,  
c. 288  
1962-63,  
c. 41

Expendi-  
tures for  
diffusing  
information

**140.** The District Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the district municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

**141.** The District Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the district levy is apportioned in that year among the area municipalities under subsection 3 of section 99, to institutions, associations and persons carrying on or engaged in works that in the opinion of the District Council are for the general advantage of the inhabitants of the District Area and for which grant or grants there is no express authority provided by any other Act.

Grants to persons engaged in work advantageous to District Area

**142.** Where, in an action or by the settlement of a claim arising out of an injury to an employee or to any person deemed an employee for the purposes of *The Workmen's Compensation Act*, the District Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants, upon such terms and conditions as the District Corporation may impose.

Payment of damages to employees  
R.S.O. 1960, c. 437

**143.—(1)** Where the District Council passes a resolution requesting a judge of the district court within the District Area or a judge of the county court or district court of a county or district adjoining the District Area to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the District Council, or an officer or employee of the District Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the District Corporation, or to inquire into or concerning any matter connected with the good government of the District Corporation or the conduct of any part of its public business, including any business conducted by a local board of the District Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*, and he shall with all convenient speed, report to the District Council the result of the inquiry and the evidence taken.

Investigation by judge of charges of malfeasance

R.S.O. 1960, c. 323

(2) The judge shall be paid by the District Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable to judge  
R.S.O. 1960, c. 197

(3) The District Council may engage and pay counsel to represent the District Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the District Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging counsel

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the District Corporation shall pay the costs thereof.

Commission  
of inquiry

**144.**—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the District Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*.

R.S.O. 1960,  
c. 323When  
commission  
may issue

(2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than one-third of the members of the District Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of  
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the District Corporation and the Province of Ontario as the Lieutenant Governor in Council may direct.

Entry on  
highways

**145.** The District Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements  
re services

**146.** The District Corporation and any area municipality may enter into agreements for the use within any part of the District Area of the services of their respective officers, employees and equipment.

Application  
of 1968-69,  
c. 6

**147.**—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act, 1968-69*, the District Corporation shall be deemed to be a municipality.

District  
Corporation  
and area  
municipali-  
ties not  
deemed  
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act, 1968-69*, where property belonging to the District Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the District Corporation or another area municipality, the occupant shall not be deemed to be a tenant or lessee, whether rent is paid for such occupation or not.

(3) In subsection 2, "District Corporation" and "area municipality" include a local board thereof.

Interpre-  
tation

**148.**—(1) An execution against the District Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

Executions  
against  
District  
Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the District Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the District Council for general purposes are apportioned among the area municipalities determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff deems sufficient to cover its share of the interest up to the time when the rates will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the District Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.
5. If at any time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he

shall

shall add a column thereto, headed "Execution rate in A.B. vs The District Municipality of Muskoka" (Adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Functions of  
clerk, etc.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Settling of  
doubts

**149.** In the event of any doubt as to whether any particular asset or liability is vested in the District Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1960,  
c. 274

Conditional  
powers

**150.** The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purposes of this Act.

Conflict  
with other  
Acts

**151.** The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Municipal  
buildings

**152.—(1)** The District Corporation or an area municipality or the District Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and

(b)

- (b) may construct municipal buildings for the use of the District Corporation or the District Corporation and one or more area municipalities or any local board thereof.

(2) Section 252 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

Application of R.S.O. 1960, c. 249

**153.** The District Corporation shall appoint a District Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the District Area and the District Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

District Fire Co-ordinator

**154.** The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Recreation and parks management boards

R.S.O. 1960, cc. 94, 60

**155.—**(1) The District Corporation shall be deemed to be a local municipality for the purposes of paragraph 9 of section 377 of *The Municipal Act*.

Deemed municipality under R.S.O. 1960, c. 249, s. 377, par. 9

(2) The District Corporation shall be deemed to be a regional municipality for the purposes of *The Tile Drainage Act* and *The Conservation Authorities Act, 1968*.

Deemed regional municipality R.S.O. 1960, c. 399 1968, c. 15

**156.—**(1) The area municipalities of Bracebridge, Gravenhurst and Huntsville shall be deemed to be townships for the purposes of paragraphs 1, 2, 3 and 4 of section 394 of *The Municipal Act*.

Bracebridge, Gravenhurst and Huntsville deemed townships

(2) The provisions of section 245 of *The Municipal Act* do not apply in the year 1970 to any local municipality in the District Area.

Application of R.S.O. 1960, c. 249, s. 245, in 1970

**157.—**(1) In this section, "waste" includes ashes, garbage, refuse and domestic or industrial waste of any kind.

Interpretation

(2) Where an area municipality has requested the District Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the District Corporation and the area municipality may enter into an agreement for the use and operation of such facilities.

Agreement

Waste  
disposal  
sites

(3) For the purposes of an agreement under subsection 2, the District Corporation may acquire and use land within the District Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste.

Application  
of by-law  
under  
R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 112

(4) A by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* does not apply to the District Corporation.

Acquisition  
of land for  
waste  
disposal

(5) For the purposes of subsection 3, paragraph 76 of subsection 1 of section 379 of *The Municipal Act* applies *mutatis mutandis*.

Existing  
speed limits  
continued  
R.S.O. 1960,  
c. 172

**158.**—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in the District Area that, on the 31st day of December, 1970, formed part of a town, village or township municipality shall be deemed to continue to form part of a town, village or township municipality.

By-laws of  
District  
Council  
and area  
councils

(2) Notwithstanding subsection 1, the District Council and the council of each area municipality may exercise any of its powers under section 59 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing  
by-laws  
under s. 59  
of R.S.O.  
1960, c. 172,  
continued

(3) Every by-law passed by the council of a municipality under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December 1970, to any highway or portion thereof within the District Area shall continue to apply thereto until a by-law passed by the District Council or the council of an area municipality under such section 59 applies thereto.

Gravel pit  
vested in  
Town of  
Gravenhurst

**159.** The lands in the Township of Muskoka more particularly described as follows:

COMMENCING at the southeast angle of Lot 4 Concession X, Township of Muskoka, District of Muskoka.

THENCE westerly along the southerly boundary a distance of 300 feet to a point east of a road known as the Switch Road;

THENCE northerly following the easterly limit of the said Switch Road a distance of 150 feet;

THENCE

THENCE northeasterly in a direct line for a distance of 500 feet more or less to a point in the easterly limit of the said Lot 4 that is distant northerly thereon 575 feet from the southeasterly angle thereof;

THENCE southerly following the easterly limit of the said Lot a distance of 575 feet to the point of commencement,

are hereby, on the 1st day of January, 1971, vested in the Town of Gravenhurst without payment of compensation and the clerk of the Town of Gravenhurst shall forthwith after this section comes into force file a copy of this section in the appropriate registry or land titles office.

**160.**—(1) On and after the 1st day of January, 1971, no area municipality shall be required to comply with section 111 of *The Power Commission Act*. Application of R.S.O. 1960, c. 300, s. 111

(2) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the District Area are continued for the year 1971 as local boards of the area municipality in which they have jurisdiction, and the powers and duties of every such public utility commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1971, powers and duties of an area municipality or the District Corporation as required by this Act. Powers of utilities commissions transferred to area municipality or District Corporation

(3) Where, on the 31st day of December, 1970, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the District Area, such commission shall continue until the 1st day of January, 1972, to distribute and sell power within such area. Distribution of electrical power

(4) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex-officio* members, who hold office when this section comes into force, shall continue to hold office until the 1st day of January, 1972, and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission. Members of commissions continued in office

(5) All public utilities commissions and waterworks commissions within the District Area except those referred to in subsection 2 are hereby dissolved on the 1st day of January, 1971, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission. Commissions dissolved

Election  
R.S.O. 1960,  
c. 362

**161.**—(1) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act*,

(a) the polling day for the members of the Muskoka Board of Education in the year 1970 shall be the 5th day of October, and the hours of polling shall be the same as for the municipal elections in the District Area; and

(b) the Minister shall by order fix the days, times and places for the nomination of candidates for the Muskoka Board of Education in the year 1970 and provide for the holding of the nomination meetings,

and otherwise the provisions of *The Secondary Schools and Boards of Education Act* apply.

Determina-  
tions and  
appeals,  
etc.

(2) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act*, any reference in such section to the 1st day of September shall be deemed to be a reference to the 1st day of August, and, subject to subsection 1, all other dates in such section shall be advanced by thirty days.

Roads  
boards, etc.,  
dissolved

**162.**—(1) Every local roads board and statute labour board that has jurisdiction in the District Area is dissolved on the 1st day of January, 1971, and all the assets and liabilities of such board become on such date assets and liabilities of the area municipality in which such board had jurisdiction.

Taxes and  
penalties

(2) All taxes and penalties assessed by a local roads board or statute labour board against any land which are due and unpaid on the 1st day of January, 1971, shall be deemed on such date to be taxes and penalties due and payable upon such land to the area municipality in which such land is situate, and the collector of the area municipality shall enter such taxes and penalties in the collector's roll and may collect them in the same manner as if such taxes had been levied and penalties imposed by the area municipality, and the collector shall forthwith notify the owner or his agent as shown on the register of such board that the taxes and penalties are due and payable to the area municipality.

Credits of  
local roads  
boards, etc.,  
1964, c. 56

(3) All moneys standing to the credit of a local roads board under section 31 of *The Local Roads Boards Act, 1964*, in relation to tax moneys received by the secretary-treasurer of the board up to the 1st day of January, 1971, shall be paid over by the Treasurer of Ontario to the area municipality in which the local roads board had jurisdiction.

**163.** The expenditures of the District Corporation during <sup>Expenditures</sup> the year 1970, as approved by the Department, shall be paid out of the Consolidated Revenue Fund.

**164.**—(1) This Part comes into force on the day this Act <sup>Commence-</sup>receives Royal Assent.<sub>ment</sub>

(2) Section 1 comes into force on the day this Act receives <sup>Idem</sup>Royal Assent.

**165.** This Act may be cited as *The District Municipality* <sup>Short title</sup>  
*of Muskoka Act, 1970.*

#### FORM 1

(Section 10 (6) )

#### OATH OF ALLEGIANCE

I, ....., having been elected (*or appointed*) as chairman of the council of The District Municipality of Muskoka, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me, etc.

#### FORM 2

(Section 10 (6) )

#### DECLARATION OF QUALIFICATION BY CHAIRMAN

I, ....., having been elected (*or appointed*) as chairman of the council of The District Municipality of Muskoka, declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of twenty-one years.

3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.

4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The District Municipality of Muskoka or any local board thereof or any area municipality or local board thereof.

5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.



## CHAPTER 33

**An Act to prevent Discrimination in  
Employment because of Sex or Marital Status**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**Interpre-  
tation

- (a) "board" means a board of inquiry appointed under this Act;
- (b) "Director" means the Director of the Ontario Women's Bureau;
- (c) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;
- (d) "Minister" means the Minister of Labour or such other member of the Executive Council as this Act is assigned to by the Lieutenant Governor in Council;
- (e) "person", in addition to the extended meaning given it by *The Interpretation Act*, includes an employment agency, an employers' organization and a trade union; R.S.O. 1960,  
c. 191
- (f) "regulations" means the regulations made under this Act;
- (g) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers.

**2.** Except as specifically exempted by this Act or the regulations, this Act applies in respect of the employment of all persons, whether male or female. Application  
of Act

**3.—(1)** Sections 4, 5, 6, 7, 8, 9 and 10 bind the Crown.

Application  
of sections  
4 to 10

Idem

(2) Sections 4, 5, 6, 7, 8, 9 and 10 apply notwithstanding any agreement or waiver to the contrary.

Application  
of sections  
4, 6, 7, 8

(3) Sections 4, 6, 7 and 8 do not apply in respect of an employer who employs fewer than six employees.

Discrimin-  
ation in  
employment

**4. No person shall,**

- (a) refuse to refer or to recruit any person for employment;
- (b) dismiss or refuse to employ or to continue to employ any person;
- (c) refuse to train, promote or transfer an employee; or
- (d) subject an employee to probation or apprenticeship or enlarge a period of probation or apprenticeship,

because of sex or marital status unless the work or the position cannot reasonably be performed by that person or employee because of sex or marital status.

Discrimin-  
ation by  
employment  
agencies

**5. No employment agency shall discriminate against any person because of sex or marital status in receiving, classifying, disposing of or otherwise acting upon applications for its service or in referring an applicant or applicants to an employer or anyone acting on his behalf.**

Discrimin-  
ation in  
employment  
classifi-  
cations

**6. No person shall establish or maintain any employment classification or category that, by its description or operation, excludes any person from employment or continued employment on the grounds of sex or marital status unless the work or the position cannot be reasonably performed by persons of that sex or marital status.**

Discrimin-  
ation in  
advancement

**7. No person shall maintain separate lines of progression for advancement in employment or separate seniority lists that are based on sex or marital status where the maintenance will adversely affect any employee unless sex or marital status is a reasonable occupational qualification for the work.**

Discrimin-  
atory  
advertising

**8. No person shall publish or display or cause to be published or displayed or permit to be published or displayed any notice, sign, advertisement or publication that expressly limits a position to applicants of a particular sex or marital status.**

Pregnancy  
leave

**9.—(1) An employer shall not terminate the employment of an employee because of her pregnancy, but the employer, before or after the commencement of the period referred to in sub-**

section 2, may require the employee to commence a leave of absence at such time as the duties of her position cannot reasonably be performed by a pregnant woman or the performance of the employee's work is materially affected by the pregnancy.

(2) Every employer shall, upon the request of an employee <sup>Idem</sup> and receipt of a certificate by a legally qualified medical practitioner stating that the employee named therein is pregnant and specifying the date upon which delivery will occur in his opinion, grant or cause to be granted to the employee a leave of absence at any time during a period of six weeks immediately preceding the specified date and until the date of actual delivery.

(3) The employee shall not work and the employer shall not <sup>Post-natal leave</sup> cause or permit her to work for at least six weeks after the date of delivery or for such shorter period as, in the written opinion of a legally qualified medical practitioner, is sufficient.

(4) Where the employee reports for work upon the expiration of the period referred to in subsection 3, the employer <sup>Preservation of seniority, etc.</sup> shall permit her to resume work with no loss of seniority or benefits accrued to the commencement of the maternity leave.

(5) For the purposes of subsection 1, an employee shall <sup>Production of certificate</sup> produce, when so requested by the employer, the certificate referred to in subsection 2.

(6) This section does not apply in respect of an employer <sup>Application of section: employers</sup> unless he employs twenty-five or more employees.

(7) This section does not apply in respect of an employer <sup>employees</sup> unless the employee has worked continuously for her employer for at least one year prior to the commencement of the period of six weeks referred to in subsection 2.

## 10. No person shall,

<sup>Reprisals</sup>

- (a) refuse to employ or to continue to employ any person;
- (b) threaten to dismiss or threaten to penalize in any other way any person in regard to such person's employment or any term or condition thereof;
- (c) discriminate against any person in regard to such person's employment or any term or condition thereof; or

(d)

- (d) intimidate or coerce or impose any pecuniary or other penalty upon any person,

on the ground that such person,

- (e) has made or may make a complaint under this Act;
- (f) has made or may make a disclosure concerning the matter complained of;
- (g) has testified or may testify in a proceeding under this Act; or
- (h) has participated or may participate in any other way in a proceeding under this Act.

Ontario  
Women's  
Bureau  
established

**11.**—(1) There shall be a branch of the Department of Labour, to be known as the Ontario Women's Bureau, which shall consist of a Director and such other officers and employees as are considered necessary.

Functions

(2) The Bureau shall, subject to the direction and control of the Minister,

- (a) conduct research and educational programs for the purpose of improving the status and qualifications of women employees;
- (b) promote the expansion of training and employment opportunities for women;
- (c) inform and advise women in respect of training and employment;
- (d) receive and investigate complaints of conduct in contravention of legislation providing for equal employment opportunity for women;
- (e) enforce legislation providing for equal employment opportunity for women;
- (f) perform any other duties given to it by any Act.

Director  
responsible  
to Minister

(3) The Director is responsible to the Minister for the administration of the Bureau.

Complaint

**12.**—(1) Any person who has reasonable grounds for believing that any person has contravened a provision of sections 4 to 9 may file with the Director a complaint in the form prescribed by the regulations.

(2) Where a complaint is made in respect of an alleged contravention of section 4 or 9 by a person other than the person whom it is alleged was dealt with contrary to section 4 or 9, the Director may refuse to file the complaint unless the person alleged to be offended against consents thereto.

**13.**—(1) Where a complaint is filed, the Director or a person designated by the Director shall inquire into the complaint and endeavour to effect a settlement of the matter complained of.

(2) A settlement incorporating agreement in respect of any matter that a board would be authorized to include in an order under section 22 may be entered into,

(a) in respect of a complaint involving a contravention of section 4 or 9 between the Director, the person who it is alleged has contravened section 4 or 9 and the person who it is alleged was dealt with contrary to section 4 or 9;

(b) in respect of a complaint involving a contravention of section 5, 6, 7 or 8 between the Director and the person who it is alleged has contravened such section,

and shall be in writing signed by the parties entering into it.

(3) A settlement is binding on the parties entering into it and may be enforced in a court of competent jurisdiction.

(4) A settlement may be entered into while the matter is the subject of a proceeding before a board, but such a settlement is not binding until it is approved by the board and the board may incorporate the settlement into its order, and the consideration by the board of a settlement does not affect the competence of the board to continue its proceedings where it fails to approve the settlement.

(5) Where, in the opinion of the Director, a party to a settlement does not comply with its terms, the Director may file a complaint of the contravention and the matter may be disposed of in the same manner as other complaints.

(6) Where, after a settlement is entered into, an order of a board is made in respect of the same matter under subsection 4 or as a result of a complaint filed under subsection 5, the settlement is superseded by the order and no longer binding.

**14.**—(1) Where it appears to the Director that a complaint will not be settled, the Director shall make a recommendation to the Minister as to whether or not a board should be

appointed

appointed, and the Minister may, in his discretion, appoint a board of inquiry, consisting of one or more persons, to hear and decide the complaint.

Notice of  
appointment

(2) Forthwith after the appointment of a board of inquiry, the Minister shall communicate the names of the members of the board to,

(a) the Director; and

(b) any person, other than the Director, who is required by subsection 1 of section 15 to be a party to the proceedings,

and thereupon it shall be presumed conclusively that the board was appointed in accordance with this Act.

Adminis-  
tration of  
oaths

(3) A member of a board has power to administer oaths and affirmations for the purpose of any of its proceedings.

Remuner-  
ation of  
board

(4) The Lieutenant Governor in Council may determine the rate of remuneration of the chairmen and members of the boards of inquiry appointed under this section.

Parties

**15.**—(1) The parties to a proceeding before a board of inquiry with respect to any complaint shall be,

(a) the Director, who shall have the carriage of the complaint;

(b) the person named in the complaint as the complainant;

(c) any person named in the complaint and alleged to have contravened this Act;

(d) any person, other than the person mentioned in clause *b*, named in the complaint and alleged to have been dealt with contrary to section 4 or 9 of this Act; and

(e) any other person specified by the board upon such notice as the board may determine and after being given an opportunity to be heard against his joinder as a party.

Notice of  
hearing

(2) The board shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

(3) The notice of hearing shall contain,

Contents  
of notice  
of hearing

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a statement as to where and how further information about the proceedings may be obtained;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the board may proceed in his absence and he is not entitled to notice of any further proceedings.

(4) A true copy of the complaint shall be annexed to the notice of the hearing that is served upon any party except the Director.

Service of  
complaint

(5) If a person who has been duly notified of a hearing does not attend, the board may proceed in his absence.

Effect of  
non-  
attendance

**16.**—(1) A hearing may be adjourned from time to time by the board on reasonable grounds,

Adjourn-  
ments

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

(2) The board may, in the form prescribed by the regulations, command the attendance before it of any person as a witness.

Summonses

(3) The board may require any person,

Evidence

- (a) to give evidence on oath at a hearing; and
- (b) to produce such documents and things as the board may require.

(4) A witness at a hearing shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish his liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at a hearing shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter taking place, other than a prosecution for perjury in giving such evidence.

Protection  
for  
witnesses

Unsworn  
evidence

(5) The board may admit evidence not given under oath.

Contempt  
proceedings

(6) Any person who, without lawful excuse,

(a) on being duly summoned as a witness before the board, makes default in attending; or

(b) being in attendance as a witness before the board refuses to take an oath legally required by the board to be taken, or to produce any document or thing in his power or control legally required by the board to be produced by him, or to answer any question to which the board may legally require an answer; or

(c) does any other thing that would, if the board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.

Offence

(7) The board may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of court.

Rights of  
parties  
to counsel,  
to examine  
witnesses,  
etc., at  
hearings

**17.** A party to a proceeding may at a hearing,

(a) be represented by counsel or an agent;

(b) call and examine witnesses and present his arguments and submissions;

(c) conduct cross-examinations of witnesses reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence.

Rights of  
witnesses  
to counsel

**18.—**(1) A witness at a hearing is entitled to be advised by his counsel or agent as to his rights, but such counsel or agent may take no other part in the hearing without leave of the board.

Idem

(2) Where a hearing is *in camera*, a counsel or agent for a witness is not entitled to be present except when that witness is giving evidence.

**19.** All hearings shall be open to the public except where the board finds that intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public in which case the board may hold the hearing concerning any such matters *in camera*. Hearings open to public

**20.** Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the board within a reasonable time after the matter in issue has been finally determined. Release of documents

**21.** All oral evidence received by the board shall be taken down in writing and together with, Record

- (a) the notice of hearing;
- (b) the complaint;
- (c) any rulings or orders made in the course of the proceedings of the board;
- (d) any written submissions received by the board; and
- (e) the decision and the reasons therefor,

form the record.

**22.—**(1) The board after hearing a complaint, Order of board

- (a) shall decide whether or not any party has contravened this Act; and
- (b) may make an order under subsection 2.

(2) Where the board decides that any party has contravened Idem any provision of sections 4 to 9, the board may order,

- (a) such party to do any act or thing that, in the opinion of the board, constitutes full compliance with such provision; and
- (b) where a person has been dealt with contrary to a provision of section 4 or 9, the board may order such party to rectify any injury caused such person or to make compensation therefor.

Majority  
decision

(3) Where a board of inquiry is composed of more than one person, the decision of the majority is the decision of the board.

## Decision

**23.**—(1) The board shall give its final decision in writing and shall give reasons in writing therefor if requested by a party.

## Reasons

(2) The reasons for the decision shall contain,

(a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(b) any agreed findings of facts; and

(c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

## Service

(3) The board shall cause to be served on the parties a copy of its order, including the reasons therefor, if any, and a notice stating the rights of appeal.

## Appeal

**24.**—(1) Any party to the hearing before a board may appeal from the order of the board to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

## Record

(2) The record in the Court of Appeal shall include all of the documents and things specified in section 21.

## Counsel

(3) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.

Jurisdiction  
of Court  
of Appeal

(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the board or direct the board to make any decision or order that the board is authorized to make under this Act and as the court considers proper, and the court may substitute its opinion for that of the board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

Appeal  
final

(5) The decision of the Court of Appeal is final.

Enforcement  
of decisions

**25.** A copy of the final order of the board, exclusive of the reasons therefor, certified under section 32 may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such.

**26.** The Director may require any employer to post such notices respecting the administration and content of this Act as the Director may direct, and the employer shall post and keep posted such notices in a conspicuous place frequented by his employees. Posting notices

**27.—**(1) Every employer shall,

Production of records

(a) in respect of an employee, produce the records required by this Act or the regulations or by section 31 of *The Employment Standards Act, 1968* for inspection by the Director or any person authorized by the Minister, and shall for this purpose provide access to his premises for the Director or such person at all reasonable times and at any time his employees are engaged in their work; and 1968, c. 35

(b) furnish such information from the records at such time and place as the Director may require.

(2) The Director or any person designated to inquire into a complaint under subsection 1 of section 13 has the same powers to inspect and examine books, payrolls and other records in respect of an employee and to take extracts or copies thereof, and to enter premises and to question employees as are possessed by the Director of Employment Standards under section 33 of *The Employment Standards Act, 1968*. Inspection

**28.—**(1) Where the Director is authorized under this Act or the regulations to require a person to furnish information, the Director may require the information to be furnished by a notice to that effect served personally or sent by registered mail addressed to the last known place of abode of the person for whom the notice is intended, and such person shall furnish the information within such reasonable time as is specified in the notice. Notice to furnish information

(2) A certificate of the Director certifying that the notice was sent by registered mail to the person to whom it was addressed, accompanied by and identifying the post office certificate of the registration and a true copy of the notice is admissible in evidence as *prima facie* proof of the mailing and receipt of the notice. Proof of service

(3) Where the Director is authorized to require a person to furnish information under this Act, a certificate of the Director certifying that the information has not been furnished is admissible in evidence as *prima facie* proof that in such case the person did not furnish the information. Proof of failure to comply

## Proof of documents

(4) A certificate of the Director certifying that a document annexed thereto is a document or true copy of a document made by or on behalf of the Director is admissible in evidence as *prima facie* proof of the nature and contents of the document and shall be received in evidence in the place and stead of the original and has the same force and effect as the original document would have had if produced and proved.

## Proof of authority

(5) A certificate under this section signed or purporting to be signed by the Director is admissible in evidence as *prima facie* proof of the facts stated therein and of the authority of the person giving or making the certificate without any proof of appointment or signature.

## Service

**29.** Subject to the Rules of the Supreme Court respecting an appeal to the Court of Appeal, the service of any notice or document required for any of the purposes of this Act shall be effected by prepaid post or by personal service in the manner prescribed for the service of summonses by section 6 of

R.S.O. 1960,  
c. 387

*The Summary Convictions Act*, which applies *mutatis mutandis*.

## Penalty

**30.—(1)** Every person who,

(a) contravenes any provision of this Act or the regulations; or

(b) fails to comply with any order of a board under this Act,

is guilty of an offence and on summary conviction is liable,

(c) if an individual, to a fine of not more than \$800; or

(d) if a corporation, trade union, employers' organization or employment agency, to a fine of not more than \$3,000.

## Consent of Minister

(2) No prosecution for an offence under subsection 1 shall be instituted except with the consent in writing of the Minister.

## Prosecution of trade union, etc.

(3) A prosecution for an offence under subsection 1 may be instituted against a trade union or employers' organization in the name of the union or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the trade union or employers' organization shall be deemed to be an act or thing done or omitted by the trade union or employers' organization.

(4) In any prosecution for a contravention of any provision of this Act or the regulations, it shall be a sufficient defence if the defendant shows that the contravention occurred in the course of compliance with any provision for the protection or welfare of women and young girls contained in *The Industrial Safety Act, 1964* or *The Employment Standards Act, 1968*. <sup>Defence 1964, c. 45 1968, c. 35</sup>

**31.**—(1) Where a person has been convicted of an offence under section 30, the Minister may apply by way of originating notice to a judge of the Supreme Court for an order prohibiting such person from continuing the conduct constituting the offence. <sup>Restraining order</sup>

(2) The judge in his discretion may make such order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. <sup>Enforcement</sup>

**32.** A certificate purporting to be signed by a member of a board certifying that a document annexed thereto is a true copy of an order of the board is admissible in evidence in any proceeding as *prima facie* proof of the contents of the order without proof of the signature or the official position of the person appearing to have signed the certificate. <sup>Certified copies of orders</sup>

**33.**—(1) The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

- (a) exempting any class of employers or employees from the application of this Act or the regulations or any provision thereof;
- (b) prescribing the records that shall be kept and the returns that shall be made by employers;
- (c) governing the production and inspection of records required to be kept by employers;
- (d) requiring employers to notify employees of the provisions of this Act and the regulations by the publication of such notices in such manner as may be prescribed;
- (e) providing for the establishment of a consultative or advisory committee to advise the Minister on any matters arising in relation to the administration of this Act;
- (f) prescribing forms and providing for their use.

## Idem

(2) A regulation made under subsection 1 or any provision thereof may be confined in its application to any class of employer or employee defined in the regulation.

## Moneys

**34.** The moneys necessary for the purposes of this Act shall, until the end of March, 1971, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Commence-  
ment

**35.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

## Short title

**36.** This Act may be cited as *The Women's Equal Employment Opportunity Act, 1970*.

## CHAPTER 34

## An Act to amend The Telephone Act

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Telephone Act* is amended by adding thereto the following section: R.S.O. 1960.  
c. 394  
amended

117.—(1) In this section, “communication service” means Interpre-  
tation  
any form of communication by electrical currents or impulses conducted by wires, cables or radio, other than telephone service.

(2) Where a communication service may be conveniently Municipality  
may provide  
communica-  
tion service  
provided in conjunction with telephone service and all provisions of any Act of the Legislature or the Parliament of Canada respecting such communication service have been complied with,

(a) the council of a municipality that is carrying on a telephone system as a public utility; or

(b) the council of an initiating municipality or the commissioners of a municipal telephone system, as the case may be,

may, with the approval of the Commission, provide the communication service as part of the telephone system.

(3) Where approval of the Commission has been given By-law  
authorizing  
work and  
issue of  
debentures  
under subsection 2,

(a) the council of a municipality that is carrying on a telephone system as a public utility may, with the prior approval of the Board, pass a by-law authorizing the work and the issuing of debentures for that purpose but such a

by-law

R.S.O. 1960,  
c. 249

by-law is not valid until it has received the assent of the electors qualified to vote on money by-laws under *The Municipal Act*; or

- (b) the council of an initiating municipality may, with the prior approval of a majority of the subscribers present in person or represented by proxy at a general meeting of the subscribers called for the purpose and with the prior approval of the Board, pass a by-law authorizing the work and the issuing of debentures for that purpose and it is not necessary that the by-law be submitted for the assent of the electors.

How cost  
paid

- (4) The Board shall determine the period within which the debentures to be issued shall be made payable and, in the case of a by-law made under clause *b* of subsection 3, the landowners who shall defray the cost of such works and the lands upon and in respect of which the special rate shall be levied to discharge the debenture debt so incurred, with interest.

Provisions  
of Act  
to apply

- (5) The provisions of this Act as to debentures apply to debentures issued under this section.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Telephone Amendment Act, 1970*.

## CHAPTER 35

## An Act to amend The Land Titles Act

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *k*, as re-enacted by section 1 of *The Land Titles Amendment Act, 1961-62*, and clause *l* of section 1 of *The Land Titles Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 204, s. 1,  
cl. *k*  
(1961-62,  
c. 70, s. 1),  
re-enacted;  
cl. *l*,  
repealed

(*k*) “regulations” or “rules” means the regulations made under this Act.

**2.—(1)** Clause *n* of subsection 1 of section 2 of *The Land Titles Act*, as enacted by section 2 of *The Land Titles Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 204, s. 2,  
subs. 1, cl. *n*  
(1968-69,  
c. 57, s. 2),  
re-enacted

(*n*) the County of Hastings, including every local municipality in the county.

(2) Subsection 1 of the said section 2, as re-enacted by section 2 of *The Land Titles Amendment Act, 1961-62* and amended by section 2 of *The Land Titles Amendment Act, 1966* and section 2 of *The Land Titles Amendment Act, 1968-69*, is further amended by adding thereto the following clause:

R.S.O. 1960,  
c. 204, s. 2  
(1961-62,  
c. 70, s. 2),  
subs. 1,  
amended

(*q*) the County of Peel, including every local municipality in the county.

**3.** Section 3*a* of *The Land Titles Act*, as enacted by section 1 of *The Land Titles Amendment Act, 1967*, is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 204, s. 3*a*  
(1967, c. 44,  
s. 1),  
amended

(3) The Lieutenant Governor in Council may by regulation designate the names by which land titles divisions shall be known.

R.S.O. 1960,  
c. 204, s. 7,  
subs. 2  
(1961-62,  
c. 70, s. 4),  
amended

4.—(1) Subsection 2 of section 7 of *The Land Titles Act*, as re-enacted by section 4 of *The Land Titles Amendment Act, 1961-62*, is amended by striking out “administered by the director of titles” in the ninth line, so that the subsection shall read as follows:

Deputy  
director  
of titles

(2) The Lieutenant Governor in Council may appoint a barrister or solicitor of not less than five years standing to be the deputy director of titles, and, in the absence of the director of titles or if the office of director of titles is vacant or if directed by the director of titles, the deputy director of titles has and may exercise and perform the powers and duties of the director of titles under this or any other Act.

R.S.O. 1960,  
c. 204, s. 7,  
subs. 3  
(1961-62,  
c. 70, s. 4),  
amended

(2) Subsection 3 of the said section 7, as re-enacted by section 4 of *The Land Titles Amendment Act, 1961-62*, is amended by striking out “administered by the director of titles” in the fifth line, so that the subsection shall read as follows:

Assistant  
deputy  
directors of  
titles

(3) The Lieutenant Governor in Council may appoint one or more assistant deputy directors of titles who shall exercise such powers and perform such duties of the director of titles under this or any other Act as the director of titles directs.

R.S.O. 1960,  
c. 204, s. 19,  
re-enacted

5. Section 19 of *The Land Titles Act* is repealed and the following substituted therefor:

Holiday  
defined

19.—(1) In this section, “holiday” means,

R.S.O. 1960,  
c. 191

(a) a holiday as defined in *The Interpretation Act*;

(b) Saturday;

(c) the day proclaimed as Civic Holiday in the municipality in which the land titles office is located;

(d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

Office hours

(2) Except on holidays when they shall be closed, every land titles office shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon.

**6.** Section 50 of *The Land Titles Act*, as amended by section 10 of *The Land Titles Amendment Act, 1968-69*, is repealed. R.S.O. 1960, c. 204, s. 50, repealed

**7.** Subsection 5*d* of section 63 of *The Land Titles Act*, as enacted by section 17 of *The Land Titles Amendment Act, 1966*, is repealed. R.S.O. 1960, c. 204, s. 63, subs. 5*d* (1966, c. 77, s. 17), repealed

**8.** Subsection 2 of section 74*a* of *The Land Titles Act*, as enacted by section 21 of *The Land Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 204, s. 74*a* (1961-62, c. 70, s. 21), subs. 2, re-enacted

(2) Subsection 1 does not apply to,

Exception

(a) an expropriation plan registered in accordance with *The Expropriations Act, 1968-69*; or 1968-69, c. 36

(b) a plan registered in accordance with *The Highway Improvement Act* in the Department of Highways register mentioned in subsection 2 of section 77 of this Act. R.S.O. 1960, c. 171

**9.** Section 154*a* of *The Land Titles Act*, as enacted by section 39 of *The Land Titles Amendment Act, 1961-62*, is repealed. R.S.O. 1960, c. 204, s. 154*a* (1961-62, c. 70, s. 39), repealed

**10.** *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960, c. 204, amended

155*a*. A master of titles may prepare an Index Plan to illustrate and redesignate separately described parcels of land and the Index Plan may be registered with the approval of the director of titles and the parcels shall thereafter be described in accordance with the Index Plan. Index Plan

**11.** Subsection 1*a*, as enacted by section 43 of *The Land Titles Amendment Act, 1961-62* and amended by subsection 1 of section 22 of *The Land Titles Amendment Act, 1966*, subsection 2 and subsection 3, as re-enacted by section 15 of *The Land Titles Amendment Act, 1968-69*, of section 162 of *The Land Titles Act* are repealed. R.S.O. 1960, c. 204, s. 162, subs. 1*a* (1961-62, c. 70, s. 43), subs. 2, subs. 3 (1968-69, c. 57, s. 15), repealed

**12.** Section 162*a* of *The Land Titles Act*, as enacted by section 23 of *The Land Titles Amendment Act, 1966*, is repealed. R.S.O. 1960, c. 204, s. 162*a* (1966, c. 77, s. 23), repealed

**13.** Subsection 1 of section 172 of *The Land Titles Act*, as amended by section 24 of *The Land Titles Amendment Act, 1966*, is further amended by striking out "or, subject to the approval of the Lieutenant Governor in Council, the Rules R.S.O. 1960, c. 204, s. 172, subs. 1, amended

Committee under the authority of section 111 of *The Judicature Act*, which is to be read as applying to this Act, may make rules in respect of” in the first, second, third, fourth and fifth lines and inserting in lieu thereof “may make regulations”, so that the subsection, exclusive of the clauses, shall read as follows:

Regulations           (1) The Lieutenant Governor in Council may make regulations,

. . . . .

R.S.O. 1960, c. 204, s. 177, repealed       **14.** Section 177 of *The Land Titles Act*, as amended by section 18 of *The Land Titles Amendment Act, 1968-69*, is repealed.

Commence-ment       **15.—**(1) This Act, except subsection 2 of section 2, comes into force on the day it receives Royal Assent.

Idem                   (2) Subsection 2 of section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title           **16.** This Act may be cited as *The Land Titles Amendment Act, 1970*.

## CHAPTER 36

## An Act to amend The Boundaries Act

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Boundaries Act*, as amended by section 1 of *The Boundaries Amendment Act, 1961-62* and section 1 of *The Boundaries Amendment Act, 1965*, is further amended by adding thereto the following clause:

R.S.O. 1960,  
c. 38, s. 1,  
amended

(ca) "Director of Land Registration" means the Director of Land Registration appointed under *The Registry Act*.

R.S.O. 1960,  
c. 348

2. Section 2 of *The Boundaries Act*, as amended by section 2 of *The Boundaries Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 38, s. 2,  
re-enacted

2. The Minister of Justice and Attorney General is responsible for the administration of this Act.

Admini-  
stration

3. Clauses *g* and *h* of subsection 1 of section 5 of *The Boundaries Act*, as re-enacted by section 3 of *The Boundaries Amendment Act, 1961-62*, are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 38, s. 5  
(1961-62,  
c. 9, s. 3),  
subs. 1,  
cl. *g*,  
re-enacted  
cl. *h*,  
repealed

(g) the Director of Land Registration.

4. Subsection 4 of section 17 of *The Boundaries Act*, as re-enacted by subsection 2 of section 5 of *The Boundaries Amendment Act, 1965*, is amended by striking out "Inspector of Legal Offices" in the eighth and ninth lines and inserting in lieu thereof "Director of Land Registration".

R.S.O. 1960,  
c. 38, s. 17,  
subs. 4  
(1965, c. 9  
s. 5, subs. 2),  
amended

5. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

6. This Act may be cited as *The Boundaries Amendment Act, 1970*.

Short title



## CHAPTER 37

## An Act to amend The Certification of Titles Act

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Certification of Titles Act*, as amended by R.S.O. 1960, c. 48, s. 1, re-enacted section 1 of *The Certification of Titles Amendment Act, 1965*, is repealed and the following substituted therefor:

1. In this Act,

Interpreta-  
tion

(a) "Director of Land Registration" means the Director of Land Registration appointed under *The Registry Act*;

R.S.O. 1960,  
c. 348

(b) "Director of Titles" means the Director of Titles appointed under *The Land Titles Act*.

R.S.O. 1960,  
c. 204

1a. The Minister of Justice and Attorney General is responsible for the administration of this Act.

Administra-  
tion of Act

**2.** Clause *b* of subsection 3 of section 14 of *The Certification of Titles Act*, as enacted by subsection 2 of section 6 of *The Certification of Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 48, s. 14,  
subs. 3  
(1961-62,  
c. 13, s. 6,  
subs. 2),  
cl. *b*,  
re-enacted

(b) a plan of a survey under section 93a or 94a of *The Registry Act* or a predecessor thereof.

R.S.O. 1960,  
c. 348

**3.—(1)** Section 16 of *The Certification of Titles Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 48, s. 16,  
re-enacted

16.—(1) Where, by virtue of section 13, a person is deprived of any interest in land, he is entitled to recover what is just by way of compensation out of The Certification of Titles Assurance Fund, so far as it is sufficient for that purpose having reference to other charges thereon, if the application is made

Claim  
against  
Fund

within

within six years from the time of having been so deprived, or in the case of a person under the disability of infancy, mental incompetency or unsoundness of mind, within six years from the date at which the disability ceased.

Mining  
lands

- (2) Where a claim is made under subsection 1 in respect of land patented as mining land or in respect of land whose chief value is the ores, mines or minerals therein and it appears that the claimant is entitled to compensation, the entire value of the land shall not be taken at a greater sum than twice the amount that was paid for the original grant from the Crown.

Application  
for payment

- (3) A person claiming to be entitled to payment of compensation out of The Certification of Titles Assurance Fund shall apply to the Director of Titles who shall make a recommendation to the Director of Land Registration as to the amount, if any, that should be paid.

Determina-  
tion of  
payment

- (4) The liability of The Certification of Titles Assurance Fund for compensation and the amount of compensation shall, subject to appeal to a judge of a county or district court and from him to the Court of Appeal, be determined by the Director of Land Registration, and the costs of the proceedings under this section shall be in the discretion of the Director of Land Registration, the judge or the Court of Appeal, as the case may be.

Notice

- (5) The Director of Land Registration shall serve notice of his determination under subsection 4 by registered mail on the claimant.

Time for  
appeal

- (6) Where the Director of Land Registration determines that compensation should be paid, the claimant, if he intends to appeal, shall, within a period of twenty days after the date of mailing of the notice under subsection 5, serve on the Director of Land Registration notice of his intention to appeal, and the Director of Land Registration shall not certify under subsection 7 the amount to the Treasurer of Ontario if a notice of appeal is received within that period or until after the expiry of that period if no notice of appeal is received.

Payment  
out of Fund

- (7) Subject to subsection 6, the Director of Land Registration shall certify to the Treasurer of Ontario any amount found to be payable under this section

and, upon receipt of the certificate of the Director of Land Registration, the Treasurer shall pay the amount to the person entitled thereto.

- (8) The Director of Land Registration may, by action in his own name, recover for the benefit of The Certification of Titles Assurance Fund any loss incurred by the Fund as a result of the fraud or misrepresentation of any person. <sup>Liability for fraud or misrepresentation</sup>

(2) Subsection 1 does not apply in respect of applications for payment of compensation made before this section comes into force. <sup>Application of subsection 1</sup>

4. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

5. This Act may be cited as *The Certification of Titles Amendment Act, 1970*. <sup>Short title</sup>



## CHAPTER 38

**An Act to amend  
The Provincial Courts Act, 1968**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of subsection 1 of section 7 of *The Provincial Courts Act, 1968* is amended by adding at the end thereof “who shall be chairman”, so that the clause shall read as follows: 1968, c. 103,  
s. 7, subs. 1,  
cl. a,  
amended

(a) the Chief Justice of Ontario, who shall be chairman.

**2.** Section 8 of *The Provincial Courts Act, 1968* is repealed and the following substituted therefor: 1968, c. 103,  
s. 8,  
re-enacted

**8.—(1)** The functions of the Judicial Council are, **Functions**

(a) at the request of the Minister, to consider the proposed appointments of provincial judges and make a report thereon to the Minister;

(b) to receive complaints respecting the misbehaviour of or neglect of duty by judges or the inability of judges to perform their duties; and

(c) to take such action to investigate complaints as it considers advisable including the review thereof with the judge where appropriate, and to make such recommendations to the Minister with respect thereto as it sees fit.

(2) The chairman may transmit such complaints as he considers appropriate to the chief judge of the Provincial Courts (Criminal Division) or the chief judge of the Provincial Courts (Family Division). Transmission  
to chief  
judge

Recom-  
mendation  
of inquiry

- (3) The Judicial Council may recommend to the Lieutenant Governor in Council that an inquiry be held under section 4.

Advising  
Minister

- (4) The proceedings of the Judicial Council shall not be public, but it may inform and advise the Minister respecting matters that it has investigated or reviewed.

Powers

R.S.O. 1960,  
c. 323

- (5) The Judicial Council has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Liability for  
damages

- (6) No action or other proceeding for damages shall be instituted against the Judicial Council or any member or officer thereof or any person acting under its authority for any act done in good faith in the execution or intended execution of its or his duty.

1968, c. 103,  
s. 9, subs. 2,  
cl. a,  
re-enacted

**3.** Clause *a* of subsection 2 of section 9 of *The Provincial Courts Act, 1968* is repealed and the following substituted therefor:

- (a) he is or has been a member of the bar of one of the provinces of Canada.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Provincial Courts Amendment Act, 1970*.

## CHAPTER 39

## An Act to amend The Trustee Act

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 26 of *The Trustee Act*, as amended by section 1 of *The Trustee Amendment Act, 1965*, is further amended by adding thereto the following clause:

R.S.O. 1960,  
c. 408, s. 26,  
amended

- (g) deposit receipts, deposit notes, certificates of deposits, acceptances and other similar instruments issued or endorsed by any chartered bank to which the *Bank Act* (Canada) applies.

1966-67,  
c. 87 (Can.)

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The Trustee Amendment Act, 1970*.

Short title



## CHAPTER 40

## An Act to amend The Registry Act

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *m* of section 1 of *The Registry Act*, as re-enacted by section 1 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 1  
(1966, c.  
136, s. 1),  
cl. *m*,  
re-enacted

(*m*) "surveyor" means a member of the Association of Ontario Land Surveyors who is authorized under *The Surveyors Act, 1968-69* to engage in the practice of professional land surveying in Ontario.

1968-69  
c. 125

2. Clause *b* of subsection 2 of section 4 of *The Registry Act*, as re-enacted by section 3 of *The Registry Amendment Act, 1964* and amended by section 1 of *The Registry Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 4,  
subs. 2  
(1964, c. 102,  
s. 3) cl. *b*,  
re-enacted

(*b*) divide a registry division into two or more registry divisions.

3. Subsection 2 of section 12 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 12,  
subs. 2,  
re-enacted

(2) Where the office of registrar becomes vacant,

Temporary  
registrar

(*a*) the deputy registrar; or

(*b*) if there is more than one deputy registrar, the senior deputy registrar; or

(*c*) if there is no deputy registrar, a person employed in a registry office and designated by the Director,

may exercise the powers and shall perform the duties of the registrar until a registrar is appointed.

R.S.O. 1960,  
c. 348, s. 16,  
re-enacted

4. Section 16 of *The Registry Act* is repealed and the following substituted therefor:

Holiday  
defined

16.—(1) In this section, “holiday” means,

R.S.O. 1960,  
c. 191

(a) a holiday as defined in *The Interpretation Act*;

(b) Saturday;

(c) the day proclaimed as Civic Holiday in the municipality in which the registry office is located;

(d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

Office hours

(2) Except on holidays when they shall be closed, every registry office shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon, and no instrument shall be received for registration except within those hours.

R.S.O. 1960,  
c. 348, s. 17  
(1962-63,  
c. 124, s. 6),  
subs. 2,  
re-enacted

5. Subsection 2 of section 17 of *The Registry Act*, as re-enacted by section 6 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor:

What not  
to be  
included

(2) Unless the request for an abstract otherwise specifies, the registrar shall not include in the abstract an extract of any instrument that has been marked off the abstract index pursuant to section 73.

R.S.O. 1960,  
c. 348, s. 18,  
repealed

6. Section 18 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 25  
(1966, c. 136,  
s. 6),  
repealed

7. Section 25 of *The Registry Act*, as re-enacted by section 6 of *The Registry Amendment Act, 1966*, is repealed.

R.S.O. 1960,  
c. 348, s. 26,  
subs. 5,  
repealed

8. Subsection 5 of section 26 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 28,  
repealed

9. Section 28 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 29,  
subs. 1,  
amended

10. Subsection 1 of section 29 of *The Registry Act*, as amended by section 11 of *The Registry Amendment Act, 1962-63*, is further amended by striking out “of such land into smaller sections or lots” in the fifth line and inserting in lieu thereof “judge’s plan or municipal plan under section 93a”, so that the subsection shall read as follows:

- (1) The registrar, in a book in the prescribed form called the "Abstract Index", shall enter under a separate and distinct head each separate lot or part of a lot of land as originally patented by the Crown, or that appears on any registered plan of the subdivision, judge's plan or municipal plan under section 93a.

Abstract  
Index of lots

**11.** Subsection 3 of section 31 of *The Registry Act*, as re-enacted by section 8 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 31  
(1966, c. 136,  
s. 8), subs.  
3, re-enacted

- (3) Subject to subsection 4, the registration of an instrument purporting to affect unpatented Crown land or land that has the status of unpatented Crown land has no effect under this Act.

Unpatented  
Crown lands

**12.** Section 43 of *The Registry Act*, as re-enacted by section 18 of *The Registry Amendment Act, 1962-63*, is amended by adding "or" at the end of clause *b* and by adding thereto the following clause:

R.S.O. 1960,  
c. 348, s. 43  
(1962-63,  
c. 124, s. 18),  
amended

- (c) a copy of an instrument registered under *The Corporation Securities Registration Act*, certified by the Minister under that Act.

R.S.O. 1960  
c. 70

**13.** Subsection 9 of section 52 of *The Registry Act*, as re-enacted by subsection 1 of section 18 of *The Registry Amendment Act, 1966*, is amended by striking out "Subsection 1 does" in the first line and inserting in lieu thereof "Subsections 1 and 3 do", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960,  
c. 348, s. 52  
(1966, c. 136,  
s. 18, subs.  
1), subs. 9,  
amended

- (9) Subsections 1 and 3 do not apply,

Where subs.  
1, 3 do not  
apply

**14.** Section 58a of *The Registry Act*, as re-enacted by section 10 of *The Registry Amendment Act, 1968-69*, is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 348, s. 58a  
(1968-69,  
c. 109, s. 10),  
amended

- (3) Where a consent under the *Estate Tax Act* (Canada) was deposited under Part II of this Act before the 1st day of January, 1970, such consent shall be deemed to have been sufficiently registered for the purposes of subsection 1.

Deposit of  
consents  
before  
January 1st,  
1970  
1958, c. 29  
(Can.)

**15.** Section 64 of *The Registry Act*, as amended by section 26 of *The Registry Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,  
c. 348, s. 64,  
repealed

**16.** *The Registry Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 348,  
amended

Mortgage-of-a-mortgage, etc., not to be registered

65*b*.—(1) Subject to subsection 2,

(*a*) a mortgage-of-a-mortgage; or

(*b*) a discharge of a mortgage-of-a-mortgage,

executed after the day on which this section comes into force, shall not be registered.

Exceptions

(2) Where, upon an application made to him, a judge of a county or district court is satisfied that there cannot be conveniently obtained and registered,

(*a*) an assignment of a mortgage containing a provision for reassignment to the assignor instead of a mortgage-of-a-mortgage; or

(*b*) an assignment of a mortgage-of-a-mortgage to the person entitled to redeem the mortgage-of-a-mortgage instead of a discharge of the mortgage-of-a-mortgage,

the judge may endorse his fiat on the mortgage-of-a-mortgage or discharge of a mortgage-of-a-mortgage, which may then be registered, notwithstanding subsection 1.

Effect of registration of discharge

(3) A discharge, even though registered under subsection 2, executed by the person entitled to receive the money under a mortgage-of-a-mortgage, or by his executor, administrator, legal personal representative or assignee, does not operate as a discharge of the mortgaged mortgage unless,

(*a*) the right to discharge the mortgaged mortgage is conferred by the mortgage-of-a-mortgage, and such right is recited in the discharge;

(*b*) the mortgagor of the mortgage-of-a-mortgage has lost his right to redeem, by reason of foreclosure of or sale under the mortgage-of-a-mortgage, and the foreclosure or sale is evidenced by registered instruments; or

(*c*) upon an application made to him, a judge of a county or district court is satisfied that the discharge when registered has the effect of discharging the mortgaged mortgage and he makes an order to that effect and the order is either endorsed on or attached to or registered after the discharge.

- (4) Notwithstanding section 73, a registrar shall not mark off the entry in the abstract index of a mortgage or instrument dealing with the mortgage if a mortgage-of-the-mortgage was registered and the only registered discharge relating to the mortgage was of the mortgage-of-the-mortgage, except where, having regard to the provisions contained in the mortgage-of-the-mortgage and to subsection 3, he is satisfied that the discharge had the effect of discharging the mortgaged mortgage.

Marking off  
mortgage

**17.** Section 73 of *The Registry Act*, as amended by section 30 of *The Registry Amendment Act, 1962-63*, section 32 of *The Registry Amendment Act, 1966*, section 8 of *The Registry Amendment Act, 1968* and section 11 of *The Registry Amendment Act, 1968-69*, is further amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 348, s. 73,  
amended

- (10) The registrar may draw a line in red ink through the entries in the abstract index of mortgages, certificates of *lis pendens* and mechanics' liens registered on or before the 1st day of January, 1890 in the circumstances mentioned in subsections 1, 2 and 4, whereupon the lands described in the mortgages, certificates of *lis pendens* or mechanics' liens are validly discharged therefrom.

Marking off  
entries  
before 1st  
January,  
1890

**18.** Section 82 of *The Registry Act*, as amended by section 36 of *The Registry Amendment Act, 1966*, is repealed.

R.S.O. 1960,  
c. 348, s. 82,  
repealed

**19.—**(1) Subsection 3 of section 86 of *The Registry Act*, as re-enacted by subsection 1 of section 37 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 86,  
subs. 3  
(1966, c.  
136, s. 37,  
subs. 1),  
re-enacted

- (3) Subject to sections 33 and 90 and subsection 5 of section 65, an instrument affecting the land on a plan of subdivision or any part thereof, executed after the plan is registered, except an instrument registered under subsection 5 or 8 of section 20 and a certificate of discharge purporting to completely discharge a mortgage, shall not be registered unless it refers and conforms to the plan.

Instruments  
to conform  
to plan

(2) Subsection 8 of the said section 86, as re-enacted by section 22 of *The Registry Amendment Act, 1964*, is amended by striking out "26, 88, 94" in the second line and inserting in lieu thereof "88, 93a", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 348, s. 86  
(1964, c. 102,  
s. 22),  
subs. 8,  
amended

Approvals  
under  
R.S.O. 1960,  
c. 296

- (8) No plan to which *The Planning Act* applies, except a plan registered under section 88, 93a or 94a of this Act, shall be registered unless approved under *The Planning Act*.

R.S.O. 1960,  
c. 348, s. 86  
(1964, c. 102,  
s. 22),  
amended

- (3) The said section 86 is amended by adding thereto the following subsection:

When  
registered  
plan binding

- (10) A registered plan of subdivision is not binding on the person who registered it or upon any other person unless a deed or mortgage in which the land is described in accordance with the plan has been registered.

R.S.O. 1960,  
c. 348, s. 87,  
re-enacted

- 20.** Section 87 of *The Registry Act* is repealed and the following substituted therefor:

Plan index  
book

87. The Director may direct that a plan index book, in the form prescribed by him, shall be kept by the registrar.

R.S.O. 1960,  
c. 348, s. 91,  
repealed

- 21.** Section 91 of *The Registry Act*, as amended by section 24 of *The Registry Amendment Act, 1964*, is repealed.

R.S.O. 1960,  
c. 348, s. 92,  
amended

- 22.** Section 92 of *The Registry Act* is amended by adding thereto the following subsections:

Consent of  
owner to  
alteration  
of road

- (2) No part of a highway, road, street or lane upon which any lot abuts, or that connects any such lot with or affords access therefrom to the nearest public highway, shall be closed, diverted or altered without the consent in writing of the owner of such lot.

Appeal  
from order

- (3) The Minister of Justice and Attorney General or any person affected by an order made under subsection 1 may appeal the order to the Supreme Court.

Consent of  
Minister of  
Municipal  
Affairs  
R.S.O. 1960,  
c. 296

- (4) An order shall not be made under this section amending a plan that was approved under section 28 of *The Planning Act* or a predecessor thereof without the prior written consent of the Minister of Municipal Affairs to the amendment.

R.S.O. 1960,  
c. 348, s. 92a  
(1964, c. 102,  
s. 25),  
re-enacted

- 23.** Section 92a of *The Registry Act*, as enacted by section 25 of *The Registry Amendment Act, 1964* and amended by section 41 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor:

Correction  
of errors on  
plan

- 92a. The registrar, the surveyor or any interested person may apply to a judge of a county or district court of the county, district or regional municipality in

which

which the land included in a registered plan of subdivision is situate and the judge has power to make orders and directions authorizing the registrar to correct any erroneous measurement upon, or any error, defect or omission in the plan upon production of evidence satisfactory to the judge, and either upon giving such notice to interested parties as he considers appropriate or *ex parte*.

**24.**—(1) Clause *a*, clause *b* as amended by section 45 of *The Registry Amendment Act, 1966*, and clause *c* of subsection 1 of section 96 of *The Registry Act*, as re-enacted by section 37 of *The Registry Amendment Act, 1962-63*, are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 96  
(1962-63,  
c. 124, s. 37),  
subs. 1,  
cls. *a*, *b*,  
re-enacted  
cl. *c*,  
repealed

(*a*) unless the instrument complies with the requirements of clause *a*, *b*, *c* or *d* of subsection 2 of section 26 of *The Planning Act*; or

R.S.O. 1960,  
c. 296

(*b*) unless the written consent of the Director is endorsed thereon.

(2) Subsection 4 of the said section 96, as amended by section 13 of *The Registry Amendment Act, 1968-69*, is further amended by inserting after “direction” in the first line “or consenting”, so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960,  
c. 348, s. 96  
(1962-63,  
c. 124, s. 37),  
subs. 4,  
amended

(4) Before altering or withdrawing a direction or consenting to permit the registration of an instrument, the Inspector,

Conditions

**25.** Section 103 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 103,  
repealed

**26.** Section 105 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 105  
repealed

**27.** Section 108 of *The Registry Act*, as re-enacted by section 41 of *The Registry Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,  
c. 348, s. 108  
(1962-63,  
c. 124, s. 41),  
repealed

**28.** Section 124 of *The Registry Act* is repealed.

R.S.O. 1960,  
c. 348, s. 124,  
repealed

**29.** Section 125 of *The Registry Act*, as amended by section 49 of *The Registry Amendment Act, 1966*, is further amended by striking out “\$100” in the eleventh line and inserting in lieu thereof “\$1,000”, so that the section shall read as follows:

R.S.O. 1960,  
c. 348, s. 125,  
amended

125. Any person, except the registrar or other officer when entitled by law so to do, who alters any book, record, plan or registered instrument in any registry

Offence for  
unauthorized  
alteration of  
entry

office, or makes any memorandum, word or figure in writing thereon, whether in pencil or in ink, or by any other means, or in any way adds to or takes from the contents of such book, record, plan or registered instrument, and any person who removes or attempts to remove any instrument registered or deposited in a registry office from such office without lawful authority, is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$1,000.

R.S.O. 1960,  
c. 348, s. 135,  
subs. 2,  
cl. *ba*  
(1968-69,  
c. 109, s. 17),  
amended

**30.** Clause *ba* of subsection 2 of section 135 of *The Registry Act*, as enacted by section 17 of *The Registry Amendment Act, 1968-69*, is amended by striking out “January” in the fourth line and inserting in lieu thereof “July”, so that the clause shall read as follows:

(*ba*) a claim of a corporation authorized to construct or operate a railway, including a street railway or incline railway, in respect of lands acquired by the corporation after the 1st day of July, 1930, and,

(i) owned or used for the purposes of a right-of-way for railway lines, or

(ii) abutting such right-of-way.

Validity of  
prior  
registration  
not affected

**31.** No provision of this Act affects the validity of the registration of any instrument that was registered before such provision came into force.

Commence-  
ment

**32.**—(1) This Act, except section 16, comes into force on the 1st day of July, 1970.

Idem

(2) Section 16 comes into force on the 1st day of January, 1971.

Short title

**33.** This Act may be cited as *The Registry Amendment Act, 1970*.

## CHAPTER 41

**An Act to amend  
The Mechanics' Lien Act, 1968-69**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 3 of section 22 of *The Mechanics' Lien Act, 1968-69*,<sup>1968-69, c. 65, s. '22, subs. 3, amended</sup> is amended by striking out "an officer having jurisdiction to try the action" in the third and fourth lines and inserting in lieu thereof "in the County of York, the master", so that the subsection shall read as follows:

- (3) Where a certificate of action has been registered<sup>Vacating orders</sup> for two years or more in the registry office and no appointment has been taken out for the trial of the action, the judge or, in the County of York, the master, may, upon the application *ex parte* of any interested person, make an order vacating the certificate of action and discharging all liens depending thereon.

**2.—(1)** Subsection 2 of section 25 of *The Mechanics' Lien Act, 1968-69* is amended by striking out "officer having jurisdiction to try the action" in the first and second lines and inserting in lieu thereof "in the County of York, the master", so that the subsection, exclusive of the clauses, shall read as follows:

- (2) Upon application, the judge or, in the County of York, the master, may, at any time,  
Security or payment into court and vacating lien and certificate of action

(2) Subsection 6 of the said section 25 is amended by striking out "officer" in the third line and inserting in lieu thereof "in the County of York, the master", so that the subsection shall read as follows:

- (6) Where money has been paid into court or a bond deposited in court pursuant to an order under sub-section 2, the judge or, in the County of York, the

master

master, may, upon such notice to the parties as he may require, order the money to be paid out to the persons entitled thereto or the delivery up of the bond for cancellation, as the case may be.

1968-69,  
c. 65, s. 28,  
subs. 3,  
re-enacted

3. Subsection 3 of section 28 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor:

Production  
of contract  
or agreement

- (3) The judge or, in the County of York, the master, may, on a summary application at any time before or after an action is commenced for the enforcement of the claim for lien, make an order requiring the owner or his agent or the mortgagee or his agent or the unpaid vendor or his agent or the contractor or his agent or the subcontractor or his agent, as the case may be, to produce and permit any lien claimant to inspect any such contract or agreement or mortgage or agreement for sale or the accounts or any other relevant document upon such terms as to costs as the judge or master deems just.

1968-69,  
c. 65, s. 34,  
subss. 1-3,  
re-enacted

4.—(1) Subsections 1, 2 and 3 of section 34 of *The Mechanics' Lien Act, 1968-69* are repealed and the following substituted therefor:

Power to  
appoint a  
receiver of  
rents and  
profits

- (1) At any time after the delivery of the statement of claim, the judge having jurisdiction to try the action or, in the County of York, a judge of the Supreme Court, may, on the application of any lien claimant, mortgagee or other person interested, appoint a receiver of the rents and profits of the property against which the claim for lien is registered, upon such terms and upon the giving of such security or without security as the judge deems just.

Power to  
direct  
sale and  
appoint  
trustee

- (2) Any lien claimant, mortgagee or other person interested may make an application to the judge having jurisdiction to try the action or, in the County of York, a judge of the Supreme Court, at any time before or after judgment, who may hear *viva voce* or affidavit evidence or both and appoint, upon such terms and upon the giving of such security or without security as the judge deems just, a trustee or trustees with power to manage, mortgage, lease and sell, or manage, mortgage, lease or sell, the property against which the claim for lien is registered, and the exercise of such powers shall be under the supervision and direction of the court, and with power, when so directed by the court, to complete or partially complete the property, and, in the event

that

that mortgage moneys are advanced to the trustee or trustees as the result of any of the powers conferred upon him or them under this subsection, such moneys take priority over every claim of lien existing as of the date of the appointment.

- (3) Any property directed to be sold under subsection 2 may be offered for sale subject to any mortgage or other charge or encumbrance if the judge so directs. Property offered for sale

(2) Subsection 5 of the said section 34 is amended by striking out "or officer" in the first line, so that the subsection shall read as follows: 1968-69, c. 65, s. 34, subs. 5, amended

- (5) The judge shall make all necessary orders for the completion of any mortgage, lease or sale authorized to be made under subsection 2. Orders for completion of sale

**5.** Section 35 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 65, s. 35, re-enacted

35. At any time after delivery of the statement of claim and before judgment, or after judgment and pending the hearing and determination of any appeal, any lien claimant, mortgagee or other interested person may make an application to the judge having jurisdiction to try the action or who tried the action, as the case may be, or, in the County of York, a judge of the Supreme Court, who may hear *viva voce* or affidavit evidence or both and make an order for the preservation of any property pending the determination of the action and any appeal. Order for preservation of property

**6.** Subsection 10 of section 38 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 65, s. 38, subs. 10, re-enacted

- (10) Any party to an action under this Act or any other interested person may at any time and from time to time apply to the judge having jurisdiction to try the action or, in the County of York, the master, for directions as to pleadings, discovery, production or any other matter relating to the action or reference, including the cross-examination of a lien claimant or his agent or assignee on his affidavit verifying the claim. Applications for directions

**7.** Subsection 1 of section 43 of *The Mechanics' Lien Act, 1968-69* is amended by inserting after "judgment" in the first line "or report made on a reference for trial" and by 1968-69, c. 65, s. 43, subs. 1, amended

inserting

inserting after "judgment" in the third line "or report", so that the subsection shall read as follows:

Appeal

- (1) Except where the amount of a judgment or report made on a reference for trial in respect of a claim or counterclaim is \$200 or less, an appeal lies from any judgment or report under this Act to the Court of Appeal.

1968-69,  
c. 65, s. 46,  
subs. 2,  
re-enacted

**8.** Subsection 2 of section 46 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor:

Inter-  
locutory  
proceedings

- (2) Except where otherwise provided by this Act, no interlocutory proceedings shall be permitted without the consent of the judge having jurisdiction to try the action or, in the County of York, the master, and then only upon proper proof that such proceedings are necessary.

1968-69,  
c. 65, s. 47,  
re-enacted

**9.** Section 47 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor:

Service of  
documents

47. Except where otherwise directed by the judge having jurisdiction to try the action or, in the County of York, the master, all documents relating to an action under this Act, other than statements of claim and notices of trial, are sufficiently served upon the intended recipient if sent by registered mail addressed to the intended recipient at his address for service.

Commence-  
ment

**10.** This Act comes into force on the day it receives Royal Assent.

Short title

**11.** This Act may be cited as *The Mechanics' Lien Amendment Act, 1970*.

## CHAPTER 42

**An Act to amend  
The Assignment of Book Debts Act**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Assignment of Book Debts Act* is amended by adding thereto the following clauses: R.S.O. 1960,  
c. 24, s. 1,  
amended

(ea) "prescribed form" means a form provided or approved under this Act by the registrar;

. . . . .

(ga) "registrar" means the registrar of personal property security appointed under *The Personal Property Security Act, 1967*. 1967, c. 73

**2.** Section 15 of *The Assignment of Book Debts Act* is amended by inserting after "assignment" in the sixth line "or in any prescribed form relating thereto", so that the section shall read as follows: R.S.O. 1960,  
c. 24, s. 15,  
amended

15. No defect or irregularity in the execution or attestation of an assignment or other document, and no defect, irregularity or omission in an affidavit accompanying an assignment or filed in connection with its registration, and no error of a clerical nature or in an immaterial or non-essential part of an assignment or in any prescribed form relating thereto, invalidates or destroys the effect of the assignment or the registration thereof, unless in the opinion of the court or judge before whom a question relating thereto is tried such defect, irregularity, omission or error has actually misled a person whose interests are affected by the assignment. Defects and  
irregularities

R.S.O. 1960,  
c. 24, s. 20  
(1967, c. 5,  
s. 2), cl. a,  
amended

3.—(1) Clause *a* of section 20 of *The Assignment of Book Debts Act*, as enacted by section 2 of *The Assignment of Book Debts Amendment and Repeal Act, 1967*, is amended by striking out “full”, so that the clause shall read as follows:

(a) the name and address of the assignor.

R.S.O. 1960,  
c. 24, s. 20  
(1967, c. 5,  
s. 2), cl. b,  
amended

(2) Clause *b* of the said section 20 is amended by striking out “full”, so that the clause shall read as follows:

(b) the name and address of the assignee.

Names and  
addresses  
not set forth  
in full, etc.

(3) An assignment registered on or after the 1st day of January, 1968, and before the day this section comes into force, is not invalidated nor is its effect destroyed by reason only of a failure to set out therein in full the name and address of the assignor or assignee unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the assignment, and in such case the judge or court may make such order as the judge or court considers appropriate.

R.S.O. 1960,  
c. 24, s. 21  
(1967, c. 5,  
s. 2), subs. 1,  
amended

4. Subsection 1 of section 21 of *The Assignment of Book Debts Act*, as enacted by section 2 of *The Assignment of Book Debts Amendment and Repeal Act, 1967*, is amended by striking out “containing the particulars mentioned in section 20” in the fifth and sixth lines, so that the subsection shall read as follows:

Expiry of  
existing  
registrations

(1) Every registration made under this Act before the 1st day of January, 1968, expires on the anniversary date of the original registration next after the 1st day of January, 1971, unless a renewal statement in the prescribed form is registered before such anniversary date.

R.S.O. 1960,  
c. 24,  
amended

5. *The Assignment of Book Debts Act* is amended by adding thereto the following sections:

When instru-  
ments  
tendered for  
registration  
to be accom-  
panied by  
statement

22. Where required by the regulations made under this Act, an assignment, certificate of discharge or other instrument shall, when tendered for registration as provided by this Act, be accompanied by a statement that sets forth on the prescribed form the information prescribed by the regulations made under this Act.

Regulations

23. The Lieutenant Governor in Council may make regulations,

(a)

- (a) prescribing additional duties of the clerks of the county and district courts in connection with the registration of documents under this Act;
- (b) requiring or permitting a statement to accompany any instrument tendered for registration under this Act, prescribing the information to be contained in such statement and the manner of recording such information, and for requiring that the forms of statements to be used shall be those provided or approved by the registrar;
- (c) prescribing the form of renewal statements;
- (d) defining any expression used in the regulations;
- (e) providing that clause *d* of section 27 of *The Interpretation Act* does not apply to a <sup>R.S.O. 1960, c. 191</sup> form of statement prescribed under this Act;
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**6.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent.<sub>ment</sub>

**7.** This Act may be cited as *The Assignment of Book Debts* <sup>Short title</sup>  
*Amendment Act, 1970.*



## CHAPTER 43

**An Act to amend  
The Ontario Heritage Foundation Act, 1967**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Ontario Heritage Foundation Act, 1967* is amended <sup>1967, c. 65.  
amended</sup> by adding thereto the following section:

6a.—(1) The Foundation is, for all purposes of this Act, <sup>Crown  
agency</sup> an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of Her Majesty.

(2) Property acquired by the Foundation is the property <sup>Property</sup> of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Foundation.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**3.** This Act may be cited as *The Ontario Heritage Found-<sup>Short title</sup>  
ation Amendment Act, 1970*.



## CHAPTER 44

**The Waste Management Act, 1970**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,Interpre-  
tation

- (a) "Advisory Board" means the Waste Management Advisory Board;
- (b) "Appeal Board" means the Waste Management Appeal Board;
- (c) "Department" means the Department of Energy and Resources Management;
- (d) "Director" means the Director of the Waste Management Branch of the Department of Energy and Resources Management;
- (e) "inspector" means a person employed or appointed to assist in the administration of this Act;
- (f) "medical officer of health" means a medical officer of health appointed under *The Public Health Act*; R.S.O. 1960,  
c. 321
- (g) "Minister" means the Minister of Energy and Resources Management;
- (h) "municipality" includes a metropolitan municipality, a regional municipality and a district municipality;
- (i) "operator" means the person in occupation or having the charge, management, or control of a waste management system or a waste disposal site;
- (j) "owner" means a person or municipality that owns or is responsible for the establishment or direction of a waste management system or a waste disposal site;

(k)

- (k) "regulations" means the regulations made under this Act;
- (l) "waste" includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse and such other wastes as are designated in the regulations;
- (m) "waste disposal site" means any land or land covered by water upon which, or building or structure in which, waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste;
- (n) "waste management system" means all facilities, equipment and operations for the complete management of waste, including the collection, handling, transportation, storage, processing and disposal thereof, and may include one or more waste disposal sites.

Application  
of Act

**2.** This Act does not apply to the storage or disposal by any person of his domestic wastes on his own property unless in the opinion of the Minister such storage or disposal may create a nuisance or to any sewage or other works to which *The Ontario Water Resources Commission Act* or the regulations thereunder apply.

R.S.O. 1960,  
c. 281

Authority of  
Minister

**3.** The Minister, for the purposes of the administration and enforcement of this Act and the regulations, may,

- (a) investigate waste management problems;
- (b) conduct research in the field of waste management;
- (c) establish and operate demonstration and other waste disposal sites;
- (d) publish and disseminate information on waste management;
- (e) make grants for research, for training persons in the field of waste management, or for the development of waste management facilities, in such amounts and upon such terms and conditions as the regulations may prescribe;
- (f) appoint committees to perform such advisory functions as the Minister considers desirable.

Authoriza-  
tion by  
Minister

**4.** The Minister may authorize any officer or officers of the Department to exercise any of the powers conferred and perform any of the duties imposed upon him under this Act and the regulations.

5.—(1) The Minister may designate officers of the Department or other persons as inspectors for the purposes of this Act and the regulations. <sup>Inspectors</sup>

(2) A medical officer of health shall be deemed to be *ex officio* an inspector under this Act. <sup>Idem</sup>

6. An inspector may enter in or upon any land or premises, other than a dwelling, at any reasonable time and make or require to be made such examinations, tests, or inquiries as may be necessary or advisable for the purposes of this Act and the regulations. <sup>Powers of inspector</sup>

7. Every operator and every owner shall furnish such information as an inspector requires for the purposes of this Act and the regulations. <sup>Information to be furnished</sup>

8. No person shall hinder or obstruct any inspector in the performance of his duties or furnish any inspector with false information or refuse to furnish him with information. <sup>Obstruction of inspector</sup>

9.—(1) A board to be known as the Waste Management Advisory Board is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council, of whom none shall be members of the public service in the employ of the Department of Energy and Resources Management or members of the Appeal Board, and who shall, subject to subsection 2, hold office during pleasure. <sup>Waste Management Advisory Board established</sup>

(2) No member of the Advisory Board shall hold office for more than five consecutive years. <sup>Term of office</sup>

(3) The Lieutenant Governor in Council may appoint one of the members of the Advisory Board as chairman and another of the members as vice-chairman. <sup>Chairman and vice-chairman</sup>

(4) Three members of the Advisory Board constitute a quorum. <sup>Quorum</sup>

(5) The members of the Advisory Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. <sup>Remuneration</sup>

10.—(1) A board to be known as the Waste Management Appeal Board is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council, of whom none shall be members of the public service in the employ of the Department of Energy and Resources Management or members of the Advisory Board, and who shall, subject to subsection 2, hold office during pleasure. <sup>Waste Management Appeal Board established</sup>

Term of  
office

(2) No member of the Appeal Board shall hold office for more than five consecutive years.

Chairman  
and vice-  
chairman

(3) The Lieutenant Governor in Council may appoint one of the members of the Appeal Board as chairman and another of the members as vice-chairman.

Quorum

(4) Three members of the Appeal Board constitute a quorum.

Remuner-  
ation

(5) The members of the Appeal Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.

Certificate  
of approval,  
etc.

**11.** No waste management system that is in operation or waste disposal site that is in use when this Act comes into force shall be operated or used,

- (a) for more than six months after this Act comes into force unless the owner has made application for a certificate of approval;
- (b) after a certificate of approval has been refused; or
- (c) where a certificate of approval or provisional certificate of approval has been issued, except in accordance with the terms and conditions of such certificate.

New  
systems and  
sites and  
extensions,  
etc.

**12.** No person or municipality shall establish, alter, enlarge or extend,

- (a) a waste management system; or
- (b) a waste disposal site,

unless a certificate of approval or provisional certificate of approval therefor has been issued by the Minister.

No money  
by-law  
without  
certificate

**13.** No by-law for raising money to finance any work under section 11 shall be passed by the council of a municipality until a certificate of approval or a provisional certificate of approval has been issued therefor.

Municipal  
responsi-  
bility

**14.** Where the Minister reports in writing to the clerk of a municipality that he is of the opinion that it is necessary in the public interest that waste be collected or a waste management system or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, it is not necessary to obtain the assent

of the electors to any by-law for incurring a debt for any such purpose, and the municipality shall forthwith do every possible act and thing in its power to implement the report of the Minister within the time specified.

**15.** No certificate of approval shall be issued to an applicant other than a municipality unless the applicant has, Condition precedent to issue of certificate

(a) deposited a sum of money; or

(b) furnished a surety bond; or

(c) furnished personal sureties,

in such amount and upon such conditions as the regulations prescribe to assure satisfactory maintenance of the waste management system or the waste disposal site or the removal of waste from the site if the Minister considers such removal necessary.

**16.** No certificate of approval for a waste disposal site shall be issued to an applicant other than a municipality unless the applicant has furnished a certificate from the municipality in which the waste disposal site is situated that the waste disposal site does not contravene any of the by-laws of the municipality. Certificate of municipality required

**17.** The deposit mentioned in clause *a* of section 15 may be returned to the depositor upon such terms and conditions as the regulations prescribe. Return of deposit

**18.** An applicant for a certificate of approval for a waste management system or waste disposal site that it is proposed to establish, alter, enlarge or extend shall publish notice of his application in a newspaper having general circulation in the locality where the system or site is or is to be located, once a week for three successive weeks, and no certificate of approval shall be issued until the expiration of three weeks from the date of the last publication. Publication of notice of application

**19.** An applicant for a certificate of approval shall submit to the Director plans and specifications of the work to be undertaken together with such other information as the Director may require. Information to be furnished

**20.—(1)** The Director, after considering an application for a certificate of approval, may recommend to the Minister that a certificate of approval or provisional certificate of approval be issued. Recommendation by Director

Idem

(2) The Director may recommend to the Minister that the issue or renewal of a certificate of approval or a provisional certificate of approval be refused, or that a certificate of approval or a provisional certificate of approval previously issued be suspended or revoked, where,

- (a) the application does not comply with this Act and the regulations;
- (b) the waste management system or the waste disposal site does not comply with this Act and the regulations; or
- (c) the operation of the waste management system or the waste disposal site may create a nuisance or is not in the public interest or, in the opinion of the medical officer of health, may result in a hazard to public health.

Prohibition  
as to deposit  
of waste

**21.** Subject to section 11, no person or municipality shall deposit waste upon any land or land covered by water or in any building that is not a waste disposal site for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

Prohibition  
as to use of  
facilities, etc.

**22.** Subject to section 11, no person or municipality shall use any facilities or equipment for the storage, handling, treatment, collection, transportation, processing or disposal of waste that is not part of a waste management system for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

Order for  
removal of  
waste

**23.**—(1) Where the Director reports that waste has been deposited upon any land or land covered by water or in any building that has not been approved as a waste disposal site, the Minister may, subject to sections 11 and 26, order the occupant or the person having charge and control of such land or building to remove the waste and to restore the site to a condition satisfactory to the Minister.

Action upon  
failure to  
comply with  
order

(2) Where a person to whom an order is directed under subsection 1 fails to comply with the order, the Minister may cause the necessary work to be done and charge such person with the cost thereof, which may be recovered with costs in any court of competent jurisdiction.

Order by  
Minister

**24.** Where the Director reports to the Minister that a waste management system or a waste disposal site is not in conformity with this Act or the regulations, the Minister may,

subject

subject to section 26, order the owner to take such action as he may require to bring the system or the site into conformity with this Act or the regulations within the time specified in the order.

**25.** Where an owner fails to comply with an order under section 24, the Minister may cause the necessary work to be done and charge the owner with the cost thereof which, in the case of an owner other than a municipality, may be deducted from the deposit mentioned in section 15, or may be recovered with costs in any court of competent jurisdiction.

Action upon  
non-  
compliance  
with order

**26.**—(1) Where the Minister,

Where  
Minister  
intends to  
make order  
etc.

(a) intends to refuse to issue or renew or intends to suspend or revoke a certificate of approval or provisional certificate of approval; or

(b) intends to make an order under section 23 or 24,

he shall cause the Director to give notice of his intention, together with the reasons therefor, and a notice stating the right to a hearing before the Advisory Board, to the owner or the person to whom the order would be directed, as the case may be, and the owner or such person may by written notice given to the Director and the Advisory Board within fifteen days after receipt of notice from the Director, receive a hearing by the Advisory Board.

(2) The chairman of the Advisory Board shall fix a time, date and place for the hearing and shall serve notice on the parties at least ten days before the day fixed.

Notice of  
hearing

(3) The notice of hearing shall contain,

Contents of  
notice

(a) a statement of the time, date and place of the hearing;

(b) a reference to the rules of procedure applicable to the hearing; and

(c) a statement that, if a party who has been duly notified does not attend at the hearing, the Advisory Board may proceed in his absence and he is not entitled to notice of any further proceedings.

(4) The Director, any person who receives a notice from the Director under subsection 1, and any other person specified by the Advisory Board, are parties to the hearing.

Parties

**Failure to  
attend**

**27.**—(1) If a person who has been duly notified of a hearing does not attend, the Advisory Board may proceed in his absence and he is not entitled to notice of any further proceedings.

**Adjournment**

(2) A hearing may be adjourned from time to time by the Advisory Board on reasonable grounds,

(a) on its own motion; or

(b) on the motion of any party to the hearing.

**Subpoena**

(3) The Advisory Board may command the attendance before it of any person as a witness.

**Oaths and  
affirmations**

(4) The Advisory Board may require any person,

(a) to give evidence on oath or affirmation at a hearing; and

(b) to produce such documents and things as the Advisory Board requires.

**Idem**

(5) The Advisory Board may admit evidence not given on oath or by affirmation.

**Evidence**

**28.**—(1) At a hearing before the Advisory Board,

(a) except where otherwise provided in this subsection, the common law and statutory rules of evidence apply;

(b) evidence not admissible under clause *a* may be admitted by the Advisory Board in its discretion if to do so may expedite the hearing and will not prejudice any party; and

(c) the Advisory Board may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.

**Release of  
exhibits**

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Advisory Board within a reasonable time after the matter in issue has been finally determined.

**Offence**

**29.**—(1) Any person who, without lawful excuse,

(a) on being duly summoned as a witness before the Advisory Board, makes default in attending; or

(b)

- (b) being in attendance as a witness before the Advisory Board, refuses to take an oath legally required by the Advisory Board to be taken, or to produce any documents or things in his power or control legally required by the Advisory Board to be produced by him, or to answer any question to which the Advisory Board may legally require an answer; or
- (c) does any other thing that would, if the Advisory Board had been a court of law having power to commit for contempt have been contempt of that court,

is guilty of an offence.

(2) The Advisory Board may certify an offence under sub-<sup>Enforcement</sup>section 1 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of that court.

**30.**—(1) Any party may be represented before the Advisory Board by counsel or agent.<sup>Right of party to counsel</sup>

(2) Any witness may be represented before the Advisory Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.<sup>Right of witness to counsel</sup>

(3) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence.<sup>Exclusion of counsel or agent</sup>

**31.**—(1) Any party who is present at a hearing before the Advisory Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.<sup>Rights of parties</sup>

(2) All hearings shall be open to the public except where the Advisory Board finds that,<sup>Hearings to be open to public, exceptions</sup>

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person or any secret manufacturing or trade process may be disclosed,

in which case the Advisory Board shall hold the hearing as to any such matters *in camera*.

Idem

(3) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 2, the Advisory Board may, if in its opinion the public interest so requires, proceed without regard to such exceptions.

Recommendations to Minister by Board

**32.**—(1) The Advisory Board shall, after the hearing, submit to the Minister in writing its recommendations, including the reasons therefor, and shall furnish the Minister with a copy of the evidence submitted at the hearing.

Reasons for recommendations

(2) The reasons for the Advisory Board's recommendations shall contain,

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of fact; and
- (c) any conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of recommendations

(3) The Advisory Board shall serve each party with a copy of its recommendations together with the reasons therefor.

Powers of Minister

**33.**—(1) Upon receipt of the recommendations of the Advisory Board, the Minister may issue or renew, or refuse to issue or renew, or suspend or revoke a certificate of approval, or a provisional certificate of approval, or may make such order under section 23 or 24, as the case may be, as he considers necessary.

Notice of decision

(2) A notice of the decision of the Minister and a notice stating the right, if any, to apply for compensation under section 34 shall be served on each party either personally or by registered mail addressed to the party at his last known address.

Right to compensation

**34.**—(1) Within thirty days after the receipt of notice of the decision that the Minister has refused to renew or has suspended or revoked a certificate of approval, any owner who has suffered pecuniary loss as a result of such decision affecting his waste disposal site or waste management system may apply to the Minister for compensation for such loss where such owner,

- (a) has received a certificate of approval for the waste disposal site or waste management system affected by the Minister's decision; and
- (b) since receiving such certificate of approval, has strictly complied with this Act and the regulations.

(2) A notice of the decision of the Minister in disposing of the application and a notice stating the right to an appeal under this section shall be served on the owner either personally or by registered mail addressed to the owner at his last known address.

Notice of decision and right to appeal

(3) Within fifteen days after receipt of the notices referred to in subsection 2, the owner may appeal the amount of compensation, if any, to the Appeal Board, and such appeal shall be a hearing *de novo* and the Appeal Board may dismiss the appeal or alter the decision of the Minister establishing the amount of the compensation, if any, and the decision of the Appeal Board shall be final.

Right to appeal

(4) Subsections 2, 3 and 4 of section 26 and sections 27, 28, 29, 30 and 31 apply *mutatis mutandis* to a hearing before the Appeal Board.

Application of certain sections

(5) The Appeal Board shall, after the hearing, submit to the Minister and the appellant its decision in writing and shall furnish the Minister with a copy of the evidence submitted at the hearing.

Decision of Appeal Board

(6) The reasons for the Appeal Board's decision shall contain,

Reasons for decision

(a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(b) any agreed findings of fact; and

(c) any conclusions of law based on the findings mentioned in clauses *a* and *b*.

(7) The Appeal Board shall serve each party with a copy of its decision together with the reasons therefor.

Copy of decision to be served

(8) After receipt of the decision of the Appeal Board, the Minister shall do what is necessary to give effect thereto.

Minister to take necessary action

**35.** No use shall be made of land or land covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used unless the approval of the Minister for the proposed use has been given.

Former disposal sites

**36.** Every person or municipality that contravenes any provision of this Act or the regulations or fails to comply with an order made under section 23 or 24 is guilty of an

Offences

offence

offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$2,000 for every day or part thereof upon which such offence occurs or continues.

Regulations

**37.** The Lieutenant Governor in Council may make regulations,

- (a) designating wastes in addition to those specified in clause *l* of section 1, and exempting any wastes from this Act and the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
- (b) classifying waste management systems and waste disposal sites, and exempting any class thereof from this Act or the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
- (c) providing for the issue of certificates of approval and provisional certificates of approval for waste management systems or waste disposal sites, or any class thereof, prescribing terms and conditions upon which such certificates may be issued, and providing for determining the terms and conditions that may be attached thereto;
- (d) governing and regulating the management of waste and prescribing standards for waste management systems and for the location, maintenance and operation of waste disposal sites, or any class thereof;
- (e) governing the location of waste disposal sites and designating parts of Ontario in which no waste disposal sites, or any class thereof, shall be established or operated;
- (f) prescribing the amounts and conditions of deposits and bonds and sureties for the purpose of section 15, and prescribing the terms and conditions upon which deposits may be returned under section 17;
- (g) prescribing the records that shall be kept by operators of waste management systems and waste disposal sites and the reports that shall be made by such operators;
- (h) prescribing the amounts and terms and conditions of grants payable to universities and other organizations under clause *e* of section 3;

- (i) prescribing the form of application and the procedure to be followed in applying for any compensation under this Act;
- (j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act or the regulations.

**38.** This Act comes into force on the 1st day of September, <sup>Commence-</sup>  
1970. <sub>ment</sub>

**39.** This Act may be cited as *The Waste Management* <sup>Short title</sup>  
*Act, 1970.*



## CHAPTER 45

## An Act to amend The Employment Standards Act, 1968

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *c* of section 1 of *The Employment Standards Act, 1968* is repealed and the following substituted therefor: <sup>1968, c. 35, s. 1, cl. *c*, re-enacted</sup>

(*c*) “employee” includes a person who,

- (i) performs any work for or supplies any services to an employer,
- (ii) does homework for an employer, or
- (iii) receives any instruction, or training in the activity, business, work, trade, occupation or profession of the employer.

(2) Clause *d* of the said section 1 is repealed and the following substituted therefor: <sup>1968, c. 35, s. 1, cl. *d*, re-enacted</sup>

(*d*) “employer” includes any person who as the owner, proprietor, manager, superintendent, or overseer of any activity, business, work, trade, occupation or profession, has control or direction of, or is directly or indirectly responsible for, the employment of a person therein.

(3) Clauses *e* and *i* of the said section 1 are repealed. <sup>1968, c. 35, s. 1, cls. *e*, *i*, repealed</sup>

**2.** *The Employment Standards Act, 1968* is amended by adding thereto the following sections: <sup>1968, c. 35, amended</sup>

3a. Any agreement, arrangement or understanding by an employee with an employer, or any term or condition of employment implied by law, that results in the <sup>Agreement, etc., to be null and void</sup>

whole or any part of the wages of an employee being retained by, returned to or accepted by the employer, either directly or indirectly, is null and void.

Garnishment  
not to be  
grounds for  
dismissal

- 3b. No employer shall dismiss or suspend an employee upon the ground that garnishment proceedings are or may be taken against that employee.

Director  
may make  
order

- 3c. Where associated or related activities, businesses, trades or undertakings are carried on by or through more than one corporation, individual, firm, syndicate or association, or any combination thereof, the Director may by order determine that all or any one or more of such corporations, individuals, firms, syndicates or associations are a single employer for the purposes of this Act and those corporations, individuals, firms, syndicates or associations determined to be a single employer shall be jointly and severally liable to pay unpaid wages, overtime and holiday pay and vacation pay.

Continuity  
of  
employment

- 3d. If an activity, business, trade or undertaking is disposed of, transferred or sold in any manner or amalgamated, whether by agreement, will, instrument, transfer, including transfer of shares, or by operation of law, the period of employment of an employee of the activity, business, trade or undertaking at the time of such disposition, transfer, sale or amalgamation, shall be deemed to have been employment with the dispossessor, transferee, purchaser or amalgamation and the continuity of employment shall not be broken.

Priority of  
claims

- 3e.—(1) Notwithstanding the provisions of any other Act, a person to whom unpaid wages is due and owing by an employer shall have first priority over the claims or rights, including the claims or rights of the Crown, of all preferred, ordinary or general creditors of the employer to the extent of \$2,000.

Vacation  
pay deemed  
to be  
held in trust

- (2) Every employer shall be deemed to hold vacation pay accruing due to an employee in trust for the employee and for payment of the vacation pay over in the manner and at the time provided under this Act and the regulations, and the amount shall be a charge upon the assets of the employer or his estate in his hands or the hands of a trustee and shall have priority over all other claims.

**3.** Section 5 of *The Employment Standards Act, 1968* is <sup>1968, c. 35,</sup> repealed and the following substituted therefor: <sup>s. 5,</sup> <sup>re-enacted</sup>

5. The Director or any person designated so to do, may <sup>Powers of</sup> <sup>Director</sup> inquire into any matter or thing relating to the administration or enforcement of this Act and the regulations, and, without limiting the generality of the foregoing, the Director, or the person designated so to do, may,
- (a) summon and enforce the attendance of witnesses, and examine them under oath and require them to produce such documents and things as he considers requisite to the full investigation and consideration of matters or things within his jurisdiction;
  - (b) accept such evidence, oral or written, as in his discretion he considers proper;
  - (c) determine that all, any one or more or any combination of a corporation, individual, firm, syndicate or association are a single employer for the purposes of this Act;
  - (d) determine whether a person is an employee or an employer for the purposes of this Act;
  - (e) determine the regular rate paid to an employee;
  - (f) determine whether any act, agreement, arrangement or scheme is intended to have or has the effect, directly or indirectly, of defeating the true intent and purpose of this Act;
  - (g) determine whether an employer has failed to pay wages, or any pay or vacation pay to which an employee is entitled under this Act or under the terms and conditions of his employment;
  - (h) determine whether an activity, business, trade or undertaking is or has been disposed of, transferred, sold or amalgamated within the meaning of section 3d.

**4.** *The Employment Standards Act, 1968* is amended by <sup>1968, c. 35,</sup> adding thereto the following Part: <sup>amended</sup>

## PART 1A

## TERMINATION OF EMPLOYMENT

Application  
of Part

6a. This Part applies to the Crown, every agency thereof and any board, commission, authority or corporation that exercises any functions assigned or delegated to it by the Crown.

Notice of  
termination

6b.—(1) No employer shall terminate the employment of a person who has been employed for three months or more unless he gives,

(a) one week's notice in writing to the person if his period of employment is less than two years;

(b) two weeks' notice in writing to the person if his period of employment is two years or more but less than five years;

(c) four weeks' notice in writing to the person if his period of employment is five years or more but less than ten years; and

(d) eight weeks' notice in writing to the person if his period of employment is ten years or more,

and such notice has expired.

## Idem

(2) Notwithstanding subsection 1, the notice required by an employer to terminate the employment of fifty or more persons in any period of four weeks or less shall be given in the manner and for the period prescribed in the regulations, and until the expiry of such notice the terminations shall not take effect.

## Exceptions

(3) Subsections 1 and 2 do not apply to,

(a) a person employed for a definite term or task;

(b) a person who is temporarily laid-off, as defined in the regulations;

(c) a person who has been guilty of wilful misconduct or disobedience or wilful neglect of duty that has not been condoned by the employer;

(d)

- (d) a contract of employment that is or has become impossible of performance or is frustrated by a fortuitous or unforeseeable event or circumstance; or
- (e) a person employed in an activity, business, work, trade, occupation or profession, or any part thereof, that is exempted by the regulations.
- (4) Where an employer is required to give the notice referred to in subsection 2, he shall co-operate with the Minister during the period of the notice in any action or program intended to facilitate the re-establishment in employment of the persons whose employment is to be terminated. Employer to co-operate with Minister
- (5) Where the notice referred to in subsection 1 or 2 has been given, Rates of wages, etc., not to be altered
- (a) no employer shall alter the rates of wages or any other term or condition of employment of any person to whom notice has been given; and
- (b) upon the expiry of the notice, the employer shall pay to the person the wages and any unpaid vacation pay to which he is entitled.
- (6) Notwithstanding subsections 1 and 2, the employment of a person may be terminated forthwith where the employer gives to the person notice in writing to that effect and, When employment may be terminated forthwith
- (a) pays to the person an amount equal to the wages to which the person would have been entitled for work that would have been performed by him at the regular rate for a normal non-overtime workweek for the period of notice prescribed under subsection 1 or the regulations, as the case may be; and
- (b) pays to the person any unpaid vacation pay to which the person is entitled under Part VI.
- (7) Any amount payable under clause *a* of subsection 6 shall be deemed to be unpaid wages for the purpose of this Act. Amount payable deemed to be wages
- (8) Where an employer, Director may determine amounts payable
- (a)

- (a) fails to give the notice in writing prescribed in subsection 1 or in the regulations, as the case may be;
- (b) fails to pay wages or any vacation pay to which an employee is entitled under clause *b* of subsection 5; or
- (c) fails to pay the moneys to which an employee is entitled under subsection 6,

the Director may determine the amount or amounts which the employee is entitled to receive and section 28 shall apply.

Notice by  
employee

- (9) Subject to subsection 10, an employee to whom notice has been given under subsection 2 shall not terminate his employment until after the expiry of,
  - (a) one week's notice in writing to the employer if the period of employment is less than two years; and
  - (b) two weeks' notice in writing to the employer if the period of employment is two years or more.

Idem

- (10) An employee may terminate his employment forthwith upon notice where his employer has been guilty of a breach of the terms and conditions of employment.

Rights,  
etc., not  
affected

- (11) Nothing in this section affects any rights or benefits of an employee under any law, custom, agreement or arrangement that is more favourable to him than his rights or benefits under this section.

Regulations

- (12) The Lieutenant Governor in Council may make regulations respecting any matter or thing necessary or advisable to carry out the intent and purpose of this Part, and, without restricting the generality of the foregoing, may make regulations,
  - (a) prescribing the length of notice of termination of employment to be given by an employer or class of employers to a class or classes of employees;
  - (b) prescribing the length of notice of termination of employment to be given by an employee or class of employees to an employer or class of employers;

(c)

- (c) prescribing the manner of giving notice of termination of employment and the form and contents of such notice;
- (d) defining "temporarily laid off", "termination of employment", and "employment for a definite term or task";
- (e) prescribing what constitutes a period of employment; and
- (f) exempting any activity, business, work, trade, occupation or profession, or any part thereof from the application of this Part.

**5.** Section 14 of *The Employment Standards Act, 1968* is amended by adding thereto the following subsection: 1968, c. 35,  
s. 14,  
amended

- (3) In complying with subsections 1 and 2, no employer shall reduce the regular rate of wages payable to an employee. Regular  
rate not  
to be  
reduced

**6.** Section 15 of *The Employment Standards Act, 1968* is repealed. 1968, c. 35,  
s. 15,  
repealed

**7.** Sections 21, 22, 23 and 24 of *The Employment Standards Act, 1968* are repealed and the following substituted therefor: 1968, c. 35,  
ss. 21-24,  
re-enacted

21.—(1) Every employer shall give to each employee, Vacations

- (a) a vacation with pay of at least one week upon the completion of the first twelve months of employment; and
- (b) a vacation with pay of at least two weeks upon the completion of each twelve months of employment thereafter.

- (2) Where an employee has completed twelve months of non-continuous employment during any period of thirty-six consecutive months subsequent to the year 1966, the employer shall give to the employee a vacation of at least one week with pay upon the completion of the first twelve months of non-continuous employment and a vacation of two weeks with pay upon the completion of each twelve months of employment thereafter. Idem

22.—(1) The employer shall determine the period when an employee may take the vacation provided by section 21, which in the case of a two-week vacation When  
vacation  
taken

may be a two-week period or two periods of one week each, but in any case the employee shall be given his vacation not later than ten months after the end of the year for which the vacation was given.

Director  
may require  
employer  
to pay

- (2) Notwithstanding subsection 1, the Director may require the employer to pay to an employee at any time the vacation pay to which the employee is entitled under section 21.

Vacation  
pay

23. Subject to subsection 1 of section 4, in the case of a one-week vacation the amount of pay for the vacation shall not be less than an amount equal to 2 per cent of the total pay of the employee in the year for which the vacation is given and, in the case of a two-week vacation the amount of pay for the vacation shall not be less than an amount equal to 4 per cent of the total pay of the employee in the year for which the vacation is given.

Payment  
in lieu of  
vacation

24. Where an employee has not been given a vacation with pay pursuant to section 21 or the employment of an employee is terminated for any cause or by operation of law, the employee shall be paid,

(a) an amount equal to 2 per cent of the total pay of the employee in the first twelve months of employment or any part thereof; and

(b) an amount equal to 4 per cent of the total pay of the employee in each succeeding twelve months of employment, or any part thereof.

1968, c. 35,  
s. 28,  
re-enacted

**8.** Section 28 of *The Employment Standards Act, 1968* is repealed and the following substituted therefor:

Determin-  
ation of  
amounts  
payable

- 28.—(1) Where an employer has failed to pay any amount of wages, overtime pay, pay for work performed on a holiday or vacation pay that is due to an employee or employees under this Act or under any law, custom, agreement or arrangement that is more favourable to him or them than his or their rights or benefits under this Act, the Director or any person designated so to do may determine the amount or amounts due to the employee or employees.

Notice to  
employer,  
etc.

- (2) Where a determination has been made under subsection 1, the Director or any person designated so to do shall by notice in writing require the employer

to pay to the Director in trust any amount, not exceeding \$2,000 for any employee, that an employer has failed to pay to his employee or employees, and in addition to that amount the Director or any person designated so to do shall require the employer to pay to the Director in trust a penalty of 10 per cent of that amount.

- (3) Where the employer has paid the amount and the penalty required under subsection 2, the employer may, within fifteen days of the date of the notice, apply in writing in the prescribed form to the Minister for a review of the determination. Employer may appeal to Minister
- (4) The Minister or a person designated by him to review the determination shall give the employer notice of the time and place of hearing at which the employer or his agent may attend, present his evidence, and make his submissions, and the Minister or the person designated by him so to do may exercise any powers under section 5 and shall give his final decision which may vary, rescind or confirm the amount payable by the employer. Hearing
- (5) An employer dissatisfied with a decision made under subsection 4 may appeal from the decision to the Court of Appeal within fifteen days from the date of the decision upon the ground that the decision is, Appeal to Court of Appeal
- (a) erroneous in point of law; or
- (b) in excess of jurisdiction.
- (6) Upon the request of an employer desiring to appeal, the Minister or person designated by him to review the determination shall state a case setting forth the facts as found and the grounds upon which the decision is questioned. Minister to state case on request
- (7) An appeal under subsection 5 shall be by motion, notice of which shall be served upon the Minister and the record shall consist of the case as stated. Procedure
- (8) The Court of Appeal shall hear and determine the appeal in accordance with the practice in appeals from a decision of a judge of the Supreme Court and may make such order as the court considers proper or may refer the matter or any part thereof back to the Idem

Minister or the person designated by him to review the determination with such directions as the court considers proper.

Payment to employee where no appeal

- (9) Where no appeal has been made to the Minister, the Director shall pay to the employee or employees the moneys collected from the employer on his or their behalf.

Payment to employee, etc., when appeal taken

- (10) Where an appeal has been made to the Minister or an appeal has been taken under subsection 5, the Director shall pay to the employee or the employees the amounts owing as determined upon the final disposition of the appeal and shall pay to the employer any moneys to which the employer is entitled upon that final disposition.

1968, c. 35, amended

**9.** *The Employment Standards Act, 1968* is amended by adding thereto the following section:

Garnishment

- 28a.—(1) When the Director has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to an employer who is liable to make any payment under this Act, he may, by registered letter or by a letter served personally, require the first named person to pay the moneys otherwise payable to the employer in whole or in part to the Director in trust on account of the liability under this Act.

Idem

- (2) The receipt of the Director for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

1968, c. 35, s. 29, subs. 1, cls. d, h, re-enacted

**10.**—(1) Clauses *d* and *h* of subsection 1 of section 29 of *The Employment Standards Act, 1968* are repealed and the following substituted therefor:

(*d*) defining what comprises a regular rate of pay;

(*h*) specifying the deductions that may be made from the wages paid to employees.

1968, c. 35, s. 29, subs. 1, amended

(2) Subsection 1 of the said section 29 is amended by adding thereto the following clauses:

(*ma*) prescribing rates of pay and hours of work for the whole or part of any industry, business or trade in a designated part of Ontario;

(*mb*)

- (mb) providing for the substitution of another day in lieu of a day defined as a holiday in this Act;
- (mc) providing for the averaging of daily or weekly hours of work over a longer period of time.

**11.** Clause *a* of subsection 1 of section 31 of *The Employment Standards Act, 1968* is amended by inserting after “keep” in the first line “in Ontario”, and by striking out “eighteen” in the first line and inserting in lieu thereof “twenty-four”, so that the clause, exclusive of the subclauses, shall read as follows:

1968, c. 35,  
s. 31, subs. 1,  
cl. a,  
amended

- (a) make and keep in Ontario for a period of twenty-four months after work is performed by an employee complete and accurate records in respect of the employee showing,

. . . . .

**12.** Section 36 of *The Employment Standards Act, 1968* is amended by adding thereto the following subsection:

1968, c. 35,  
s. 36,  
amended

- (5) No prosecution under this Act shall be instituted more than two years after the last act or default upon which the prosecution is based occurred.
- Limitation  
on  
prosecution

**13.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-  
ment

**14.** This Act may be cited as *The Employment Standards Amendment Act, 1970*.

Short title



## CHAPTER 46

**An Act to amend  
The Ontario Education  
Capital Aid Corporation Act, 1966**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *b* of section 1 of *The Ontario Education Capital Aid Corporation Act, 1966* is amended by inserting after <sup>1966, c. 101, s. 1, cl. b, amended</sup> “metropolitan” in the first line “district or regional”, so that the clause shall read as follows:

(b) “municipality” means a metropolitan, district or regional municipality, county, city, town, village, township, improvement district or school board, and “municipal” has a corresponding meaning.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent.<sub>ment</sub>

**3.** This Act may be cited as *The Ontario Education Capital Aid Corporation Amendment Act, 1970*. <sup>Short title</sup>



## CHAPTER 47

## An Act to amend The Tile Drainage Act

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 1*a* of *The Tile Drainage Act*,  
as enacted by section 1 of *The Tile Drainage Amendment Act*,  
1968-69, is amended by inserting after “a” in the sixth line  
“district or”, so that the subsection shall read as follows:

R.S.O. 1960  
c. 399, s. 1*a*  
(1968-69,  
c. 129, s. 1),  
subs. 1,  
amended

(1) Subject to sections 64 and 65 of *The Ontario Municipal Board Act*, the council of a municipality may pass by-laws (Form 1) authorizing the borrowing of money for the purposes of the construction of drainage works and the issuance of debentures by the municipality or by a district or regional municipality on its behalf.

Borrowing  
powers of  
municipalities  
R.S.O. 1960,  
c. 274

(2) Subsection 2 of the said section 1*a* is amended by inserting after “a” in the second line “district or” and by striking out “\$500,000” in the ninth line and inserting in lieu thereof “\$750,000”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 399, s. 1*a*  
(1968-69,  
c. 129, s. 1),  
subs. 2,  
amended

(2) Subject to subsections 3 and 4, a municipality or a district or regional municipality on its behalf may borrow in sums of not less than \$2,000 and the total indebtedness of a municipality under this Act shall not exceed \$300,000 at any one time, but if the assessment of the whole rateable property in the municipality according to the last revised assessment roll is not less than \$3,000,000, its total indebtedness under this Act shall not exceed \$750,000 at any one time.

Idem

**2.** Section 20 of *The Tile Drainage Act*, as amended by section 5 of *The Tile Drainage Amendment Act*, 1968-69, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 399, s. 20,  
re-enacted

Discharge of  
indebtedness  
by owner

20. The owner of land in respect of which money has been borrowed may at any time obtain the discharge of the indebtedness by paying to the treasurer of the municipality the amount borrowed, with interest thereon at the rate payable by the municipality or district or regional municipality to the Treasurer of Ontario or his assignee on the debentures of the municipality or district or regional municipality that the Treasurer or his assignee holds in respect of the said indebtedness, less any sum already paid on account of principal and interest, and upon the same being paid to the treasurer, he shall forthwith transmit it to the Treasurer of Ontario or his assignee who shall apply it towards payment of the debentures of the municipality or district or regional municipality.

R.S.O. 1960,  
c. 399, s. 22,  
subs. 1,  
amended

3. Subsection 1 of section 22 of *The Tile Drainage Act*, as amended by section 6 of *The Tile Drainage Amendment Act, 1968-69*, is further amended by inserting after "or" in the amendment of 1968-69 "district or", so that the subsection shall read as follows:

Repayment  
by municipi-  
pality to  
Province

- (1) The amount payable in each year for principal and interest shall be remitted by the treasurer of the municipality or district or regional municipality to the Treasurer of Ontario or his assignee within one month after it became payable, together with interest at the rate of 7 per cent per annum during the time of any default in payment.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Tile Drainage Amendment Act, 1970*.

## CHAPTER 48

# An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* for the purpose of such payment, shall not exceed in the aggregate \$460,000,000. <sup>Loans up to \$460,000,000</sup> <sup>R.S.O. 1960, c. 142</sup>

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. <sup>Idem</sup>

**2.** Any such sum or sums may be raised in any manner provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon. <sup>Idem</sup>

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Ontario Loan Act, 1970*.

## CHAPTER 49

# An Act to amend The Farm Products Containers Act

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clauses *c* and *d* of section 1 of *The Farm Products Containers Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 135, s. 1,  
cl. *c*,  
re-enacted,  
cl. *d*,  
repealed

(*c*) “licence” means a licence provided for under an order.

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1960,  
c. 135, s. 1,  
amended

(*fa*) “order” means an order made under section 2.

**2.**—(1) Section 2 of *The Farm Products Containers Act* is amended by striking out “obtain a licence” in the fifth line and inserting in lieu thereof “be licensed”, so that the section, exclusive of the clauses, shall read as follows: R.S.O. 1960,  
c. 135, s. 2,  
amended

2. When the Minister receives from an association a request asking that for the purpose of defraying the expenses of the association, every producer of any product specified in the request who purchases containers therefor, be required to be licensed and to pay licence fees, the Minister, subject to the approval of the Lieutenant Governor in Council, may, if he is of the opinion that the association is fairly representative of such producers, make an order, Establish-  
ment of  
fund

(2) Clause *e* of the said section 2 is repealed.

R.S.O. 1960,  
c. 135, s. 2,  
cl. *e*,  
repealed

**3.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**4.** This Act may be cited as *The Farm Products Containers Amendment Act, 1970*. Short title



## CHAPTER 50

**An Act to establish  
The Regional Municipality of York**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## INTERPRETATION

**1. In this Act,**Interpre-  
tation

- (a) "area municipality" means the municipality or corporation of the Town of Aurora, the Town of Markham, the Town of Newmarket, the Town of Richmond Hill, the Town of Vaughan, the Town of Whitchurch-Stouffville, the Township of East Gwillimbury, the Township of Georgina, and the Township of King, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "Department" means the Department of Municipal Affairs;
- (f) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2 and includes the Police Village of Thornhill;
- (g) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;

(h)

- (h) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (i) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Minister of Municipal Affairs;
- (l) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 133;
- (m) "Municipal Board" means the Ontario Municipal Board;
- (n) "Regional Area",
  - (i) until the 1st day of January, 1971, means the area included within the County of York, except the area within The Municipality of Metropolitan Toronto, and
  - (ii) on and after the 1st day of January, 1971, means the area from time to time included within the area municipalities;
- (o) "Regional Corporation" means The Regional Municipality of York;
- (p) "Regional Council" means the council of the Regional Corporation;

- (q) "regional road" means a road forming part of the regional road system established under Part V;
- (r) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

## PART I

### AREA MUNICIPALITIES

#### 2.—(1) On the 1st day of January, 1971,

Constitution  
of area  
municipali-  
ties

- (a) The portions of the Township of King and the Township of Whitchurch, described as follows, are annexed to The Corporation of the Town of Aurora:

FIRSTLY, part of the Township of King, commencing at a point in the east boundary of the Township of King where it is intersected by the easterly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the said Township;

THENCE westerly to and along the centre line of the said road allowance and its prolongation to the centre line of the road allowance between concessions I and II of the Township of King;

THENCE northerly along the centre line of the road allowance between concessions I and II to its intersection with the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township;

THENCE easterly to and along the northerly limit of Lot 86 in Concession I and its easterly prolongation to the east boundary of the Township of King;

THENCE southerly along the east boundary of the Township of King, being along the boundary between the townships of King and Whitchurch, to the north boundary of the Town of Aurora;

THENCE following the boundaries between the Township of King and the Town of Aurora to the east boundary of the said Township;

THENCE southerly along the eastern boundary of the Township of King to the point of commencement.

SECONDLY

SECONDLY, part of the Township of Whitchurch, commencing at a point in the west boundary of the Township of Whitchurch, where it is intersected by the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township of Whitchurch;

THENCE easterly to and along the northerly limit of Lot 86 in Concession I and the northern limit of Lot 26 in concessions II and III to where it is intersected by the westerly limit of the King's Highway Number 404, the said west limit of highway being 150 feet measured at right angles westerly from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to where it is intersected by the centre line of the road allowance between lots 10 and 11 in Concession III of the said Township;

THENCE westerly along the centre line of the road allowance between lots 10 and 11 in concessions III and II and to and along the centre line of road allowance between lots 70 and 71 in Concession I and the last-mentioned centre line prolonged to the west boundary of the Township of Whitchurch;

THENCE northerly along the west boundary of the Township of Whitchurch, being along the boundary between the townships of Whitchurch and King, to the south boundary of the Town of Aurora;

THENCE following the boundaries between the Township of King and the Town of Aurora to the west boundary of the said Township;

THENCE northerly along the western boundary of the Township of Whitchurch to the point of commencement;

- (b) The portion of the Township of East Gwillimbury described as follows is established as a township municipality bearing the name of The Corporation of the Township of East Gwillimbury;

COMMENCING at the intersection of the middle of the main channel of the Holland River and the northerly boundary of the Township of East Gwillimbury prolonged westerly in accordance with section 9 of *The Territorial Division Act*;

THENCE easterly to and along the northerly boundary of the Township of East Gwillimbury to the north-east angle thereof;

THENCE southerly along the easterly boundary of the Township of East Gwillimbury to the southeast angle thereof;

THENCE westerly along the southerly boundary of the said Township to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE northerly along the westerly limit of Highway Number 404, as defined to its intersection with the southerly limit of Lot 2 in Concession III of the Township of East Gwillimbury;

THENCE easterly along the limit of the said Lot to its intersection with the line between the east and west halves of the said Lot 2;

THENCE northerly following along the line between the east and west halves of lots 2, 3 and 4 in Concession III of the said Township to the northerly limit of the said Lot 4;

THENCE westerly along the northerly limit of Lot 4 in concessions III and II and continuing westerly to and along the northerly limit of Lot 99 in concession I east of Yonge Street and west of Yonge Street and the last-mentioned limit prolonged westerly to the west boundary of the Township of East Gwillimbury;

THENCE northerly along the westerly boundary and its prolongation in accordance with section 9 of *The Territorial Division Act* to the middle of the main channel of the Schomberg River; <sup>R.S.O. 1960, c. 395</sup>

THENCE in a general northeasterly direction along the middle of the main channel of the last-mentioned River and the middle of the main channel of the Holland River being along the boundary between the townships of East Gwillimbury and West Gwillimbury, to the point of commencement;

- (c) The Corporation of the Township of Georgina (including Georgina Island), The Corporation of the Township of North Gwillimbury (including Fox and Snake Islands) and The Corporation of the Village of Sutton are amalgamated as a township municipality bearing the name of The Corporation of the Township of Georgina;
- (d) The portion of the Township of King, described as follows, is established as a township municipality bearing the name of The Corporation of the Township of King:

COMMENCING at a point in the westerly boundary of the Township of King, where it is intersected by the westerly prolongation of the northerly limit of Lot 1 in Concession XI of the said Township;

THENCE northerly along the western boundary of the Township of King to the northwesterly angle thereof;

THENCE easterly along the north boundary of the Township of King, being along the boundary between the townships of King and Tecumseth, to the southeast angle of the last-mentioned Township.

THENCE northerly along the boundary between the townships of King and Tecumseth to the middle of the main channel of the Schomberg River in accordance with section 9 of *The Territorial Division Act*;

THENCE in a general northeasterly direction along the middle of the main channel of the said River being along the boundary between the townships of King and West Gwillimbury to the northeasterly angle of the said Township of King being in Concession II of the said Township;

THENCE southerly along the easterly Township boundary and to and along the centre line of the road allowance between concessions I and II of the Township of King to the intersection of the production easterly of the northerly limit of Lot 1 in Concession II of the said Township;

THENCE westerly to and along the northerly limit of Lot 1 in concessions II, III, IV, V, VI, VII, VIII, IX, X and XI and westerly to the point of commencement;

(e)

- (e) The portion of the Township of Markham, described as follows, is annexed to The Corporation of the Town of Markham:

COMMENCING at the southwest angle of the Township of Markham;

THENCE easterly along the southern boundary of the Township of Markham to its easterly boundary;

THENCE northerly along the eastern boundary of the Township of Markham to intersect the easterly prolongation of the north limit of Lot 31 in Concession X of the said Township;

THENCE westerly to and along the northerly limit of Lot 31 in concessions X, IX, VIII, VII, VI, V, IV and III to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet westerly measured at right angles from the centre line of highway;

THENCE southerly along the said westerly limit of Highway Number 404 to the northerly limit of the King's Highway Number 7;

THENCE westerly along the north limit of the said Highway Number 7 to the west boundary of the Township of Markham;

THENCE southerly along the said boundary to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Town of Markham;

- (f) The portions of the Township of East Gwillimbury, the Township of King and the Township of Whitchurch, described as follows, are annexed to The Corporation of the Town of Newmarket:

FIRSTLY, part of the Township of East Gwillimbury, commencing at the southwesterly angle of the Township of East Gwillimbury;

THENCE northerly along the westerly boundary of the said Township to the westerly prolongation of the northerly limit of Lot 99 in Concession I west of Yonge Street of the Township of East Gwillimbury;

THENCE

THENCE easterly to and along the northerly limit of Lot 99 in Concession I west of Yonge and in Concession I east of Yonge Street and continuing easterly to and along the northerly limit of Lot 4 in concessions II and III of the Township of East Gwillimbury to the line between the east and west halves of the said Lot 4;

THENCE southerly following along the line between the east and west halves of lots 4, 3 and 2 to the southerly limit of Lot 2 in Concession III;

THENCE westerly along the said Lot limit to the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404 as defined to the southerly boundary of the Township of East Gwillimbury;

THENCE westerly along the southerly boundary of the said Township of East Gwillimbury to the easterly boundary of the Town of Newmarket;

THENCE following the boundaries between the Township of East Gwillimbury and the Town of Newmarket and continuing westerly following the south boundary of the Township of East Gwillimbury to the point of commencement;

SECONDLY, part of the Township of King, commencing at the northeast angle of the Township of King being in Concession I of the said Township;

THENCE southerly along the eastern boundary of the said Township to the intersection of the easterly prolongation of the northerly limit of Lot 86 in Concession I of the Township of King;

THENCE westerly to and along the northerly limit of said Lot 86 and its prolongation to the centre line of the road allowance between concessions I and II of the said Township of King;

THENCE northerly along the centre line of road allowance between concessions I and II to the northerly boundary of the said Township;

THENCE easterly along the boundary between the townships of King and East Gwillimbury to the point of commencement;

THIRDLY, part of the Township of Whitchurch, commencing at the intersection of the westerly boundary of the Township of Whitchurch with the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township;

THENCE northerly along the west boundary of the said Township of Whitchurch to the northwest angle thereof;

THENCE easterly along the northerly boundary of the Township of Whitchurch to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to its intersection with the northerly limit of Lot 26 in Concession III of the Township of Whitchurch;

THENCE westerly along the north limit of Lot 26 in concessions III and II and continuing westerly to and along the northerly limit of Lot 86 in Concession I of the Township of Whitchurch and its westerly prolongation to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Town of Newmarket;

- (g) The portions of the Township of King, the Township of Markham, the Township of Vaughan and the Township of Whitchurch, described as follows, are annexed to The Corporation of the Town of Richmond Hill:

FIRSTLY, part of the Township of King, commencing at the southeast angle of the Township of King;

THENCE westerly along the southerly boundary of the said Township to where it is intersected by the southerly prolongation of the centre line of road allowance between concessions I and II of the Township of King;

THENCE

THENCE northerly to and along the centre line of the said road allowance to the westerly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the Township of King;

THENCE easterly to and along the centre line of the road allowance between the said lots 70 and 71 and its easterly prolongation to the easterly boundary of the Township of King;

THENCE southerly along the easterly boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Markham, commencing at the northwesterly angle of the Township of Markham;

THENCE easterly along the northerly boundary of the said Township to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to where it is intersected with the northerly limit of the King's Highway Number 7;

THENCE westerly along the northerly limit of Highway Number 7 to the westerly boundary of the Township of Markham;

THENCE northerly along the westerly boundary of the said Township to the southerly boundary of the Town of Richmond Hill;

THENCE following the boundaries between the Township of Markham and the Town of Richmond Hill to the west boundary of the said Township;

Thence northerly along the western boundary of the Township of Markham to the point of commencement;

THIRDLY, part of the Township of Vaughan, commencing at a point in the easterly boundary of the Township of Vaughan where it is intersected by the northerly limit of the King's Highway Number 7;

THENCE westerly to and along the northerly limit of Highway Number 7 to the centre line of the road allowance between concessions I and II of the said Township of Vaughan;

THENCE northerly along the said centre line of road allowance between concessions I and II and its northerly prolongation to the northerly boundary of the Township of Vaughan;

THENCE easterly along the northerly boundary of the Township of Vaughan to the northeast angle thereof;

THENCE southerly along the easterly boundary of the said Township to the northerly boundary of the Town of Richmond Hill;

THENCE following the boundaries between the Township of Vaughan and the Town of Richmond Hill to the east boundary of the said Township;

THENCE southerly along the eastern boundary of the said Township of Vaughan to the point of commencement;

FOURTHLY, part of the Township of Whitchurch, commencing at the point of intersection of the western boundary of the Township of Whitchurch with the westerly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the said Township;

THENCE easterly to and along the centre line of the road allowance between the said lots 70 and 71 to and along the centre of road allowance between lots 10 and 11 in concessions II and III of the Township of Whitchurch to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to the southerly boundary of the said Township of Whitchurch;

THENCE westerly along the southerly boundary of the said Township to the southwest angle thereof;

THENCE northerly along the west boundary of the Township of Whitchurch to the point of commencement;

- (h) The portions of the Township of King and the Township of Vaughan, described as follows, are annexed to The Corporation of the Village of Woodbridge to establish a township municipality bearing the name of The Corporation of the Town of Vaughan:

FIRSTLY, part of the Township of King, commencing at the point of intersection of the south boundary of the Township of King with the southerly prolongation of the centre line of road allowance between concessions I and II of the said Township;

THENCE northerly to and along the centre line of road allowance between the said concessions to the easterly prolongation of the northerly limit of Lot 1 in Concession II of the Township of King;

THENCE westerly to and along the northerly limit of Lot 1 in concessions II, III, IV, V, VI, VII, VIII, IX, X and XI of the said Township of King and the last-mentioned limit prolonged to the westerly boundary of the said Township;

THENCE southerly along the westerly boundary of the Township of King to the southwesterly angle thereof;

THENCE easterly along the south boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Vaughan, commencing at a point in the north boundary of the said Township of Vaughan where it is intersected by the northerly prolongation of the centre line of road allowance between concessions I and II of the said Township;

THENCE southerly to and along the centre line of said road allowance southerly to intersect the northerly limit of the King's Highway Number 7;

THENCE easterly along the northerly limit of said Highway Number 7 and its easterly prolongation to the east boundary of the said Township of Vaughan;

THENCE southerly along the east boundary of the Township of Vaughan to the southeasterly angle thereof;

THENCE westerly along the south boundary of the Township of Vaughan to its southwest angle;

THENCE northerly along the westerly boundary of the said Township to the northwesterly angle thereof;

THENCE easterly along the north boundary of the said Township of Vaughan to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Village of Woodbridge;

- (i) The portions of the Township of Markham and the Township of Whitchurch described as follows, are annexed to the Village of Stouffville to establish a township municipality bearing the name of The Corporation of the Town of Whitchurch-Stouffville;

FIRSTLY, part of the Township of Markham, commencing at the point of intersection of the east boundary of the said Township of Markham and the easterly prolongation of the northerly limit of Lot 31 in Concession X of the said Township;

THENCE westerly to and along the northerly limit of Lot 31 in concessions X, IX, VIII, VII, VI, V, IV and III to where it is intersected with the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured westerly at right angles from the centre line of highway;

THENCE northerly along the westerly limit of Highway Number 404, as defined to the northerly boundary of the Township of Markham;

THENCE easterly along the northerly boundary of the said Township to the westerly boundary of the Village of Stouffville;

THENCE following the boundaries between the Township of Markham and the Village of Stouffville to the northerly boundary of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast angle thereof;

THENCE southerly along the east boundary of the Township of Markham to the point of commencement;

SECONDLY, part of the Township of Whitchurch, commencing at the northeast angle of the Township of Whitchurch;

THENCE westerly along the north boundary of the said Township to the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as described to the south boundary of the Township of Whitchurch;

THENCE easterly along the southerly boundary of the said Township of Whitchurch to the westerly boundary of the Village of Stouffville;

THENCE following the boundaries between the Township of Whitchurch and the Village of Stouffville to the south boundary of the said Township;

THENCE easterly along the south boundary of the Township of Whitchurch to the southeast angle thereof;

THENCE northerly along the east boundary of the said Township to the point of commencement.

Dissolution  
of police  
villages

(2) The following police villages are dissolved on the 1st day of January, 1971:

1. The Police Village of Holland Landing.
2. The Police Village of King City.
3. The Police Village of Maple.
4. The Police Village of Mount Albert.
5. The Police Village of Nobleton.
6. The Police Village of Queensville.
7. The Police Village of Schomberg.
8. The Police Village of Sharon.
9. The Police Village of Thornhill.
10. The Police Village of Unionville.

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 10 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Amalgamations and annexations deemed by Municipal Board orders  
R.S.O. 1960, c. 274, 249

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

Referendum re names of area municipalities

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

**3.**—(1) On and after the 1st day of January, 1971, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition of councils

1. The Town of Aurora—Except as may be provided under subsection 3, eight members elected by a general vote of the electors of the area municipality.
2. The Town of Markham—Eight members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the

council

council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.

3. The Town of Newmarket—Eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, seven members elected by a general vote of the electors of the area municipality.
4. The Town of Richmond Hill—Eight members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.
5. The Town of Vaughan—Six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, five members elected by a general vote of the electors of the area municipality.
6. The Town of Whitchurch-Stouffville—Except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.
7. The Township of East Gwillimbury—Except as may be provided under subsection 3, four members elected by a general vote of the electors of the area municipality.
8. The Township of Georgina—Eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, seven members elected by a general vote of the electors of the area municipality.
9. The Township of King—Except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1970, and the day for polling shall be the 5th day of October and the first councils elected shall hold office for the years 1971 and 1972. Election and term of office

(3) For the purposes of the elections of the first councils of the area municipalities, Idem

(a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council, who are not to be members of the Regional Council, to be elected in the respective wards;

(b) the Minister shall by order,

(i) fix the days, times and places of nominations, and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, and

(ii) provide for such other matters as he considers necessary to hold the elections; and

(c) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1970, and the day of the poll are entitled to be entered on the voters' list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled. R.S.O. 1960, c. 249

(4) The members of the council of each area municipality elected in the year 1970 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality. Organization committee in 1970

(5) The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1970 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund. Expenses of first elections

4.—(1) In every area municipality,

(a) meetings of electors for the nomination of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second

Meetings of electors for nominations of candidates and polling day

year

year thereafter on the second Monday preceding the first Monday in December; and

- (b) the day for polling in the year 1972 and in every second year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

Place of  
nomination  
meeting

(2) The council of every area municipality, before the 1st day of November in the year 1972 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held.

Term of  
office

(3) The members of the council of each area municipality and such local boards, commencing with such councils and local boards which take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new council or board is organized.

Resident  
voters'  
list  
R.S.O. 1960,  
c. 254

(4) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, and the assent of the electors as required therein shall be deemed to have been received.

Commence-  
ment of  
Part

**5.** This Part comes into force on the day this Act receives Royal Assent.

## PART II

### INCORPORATION AND COUNCIL OF REGIONAL AREA

Regional  
Corporation  
constituted

**6.—(1)** On the 13th day of October, 1970, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of York".

Deemed  
municipi-  
pality under  
R.S.O. 1960,  
cc. 98, 274

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional  
Area and  
Metro-  
politan  
Toronto  
deemed  
judicial  
district  
R.S.O. 1960,  
c. 199

(3) On and after the 1st day of January, 1971, the County of York as it exists on the 31st day of December, 1970, shall for all judicial purposes be deemed to be a county and be known as the Judicial District of York, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the financial officer appointed under section 22.

Registry  
boundaries

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1970, in and for the County of York shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1971, in and for the Judicial District of York.

Appoint-  
ments for  
County of  
York  
deemed  
appoint-  
ments for  
Judicial  
District of  
York

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Regional  
Council to  
exercise  
corporate  
powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Powers  
exercised  
by by-law

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Not to be  
quashed as  
unreasonable

8. The Regional Council shall consist of seventeen members composed of a chairman and,

Composition  
of Regional  
Council

- (a) in the year 1970, the mayor-elect of each area municipality and thereafter the head of the council of each area municipality;
- (b) two members of the council of the area municipality of the Town of Markham who have been elected as members of the Regional Council and of the council of such area municipality;
- (c) one member of the council of the area municipality of the Town of Newmarket who has been elected as a member of the Regional Council and of the council of such area municipality;
- (d) two members of the council of the area municipality of the Town of Richmond Hill who have been elected as members of the Regional Council and of the council of such area municipality;
- (e) one member of the council of the area municipality of the Town of Vaughan who has been elected as a member of the Regional Council and of the council of such area municipality;
- (f) one member of the council of the area municipality of the Township of Georgina who has been elected as a member of the Regional Council and of the council of such area municipality,

and the members so elected shall hold office for the years 1970, 1971 and 1972, and thereafter for two-year terms of office.

Appoint-  
ment of  
chairman by  
Lieutenant  
Governor  
in Council

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 13th day of October, 1970, to hold office at pleasure during the years 1970 to 1974 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Biennial  
election of  
chairman

(2) At the first meeting of the Regional Council in the year 1975 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 20 shall preside until the chairman is elected.

Resignation  
from area  
council

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

Failure  
to elect  
chairman

(4) If, at the first meeting of the Regional Council in the year 1975 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First  
meeting,  
1970

10.—(1) The first meeting of the Regional Council shall be held on or after the 13th day of October, 1970, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First  
meeting of  
area  
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1971 and in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January, and in the year 1971 the first meeting shall be called by the mayor-elect at such time and place as he may designate.

First  
meeting of  
Regional  
Council

(3) The first meeting of the Regional Council in the year 1973 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th

day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8 shall not take his seat until he has filed with the person presiding at a meeting a certificate under the hand of the clerk of the area municipality which he represents, and under the seal of the area municipality certifying that he is entitled to be a member of the Regional Council. Certificate of qualification

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council which he attends a certificate under the hand of the mayor-elect of the area municipality which he represents, certifying that he is entitled to be a member under such section. Idem

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2. Oath of allegiance, declaration of qualification

(7) No business shall be proceeded with at the first meeting until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declarations of office R.S.O. 1960, c. 249

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 12. When Council deemed organized

**11.** Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. Place of meeting

**12.**—(1) Nine members of the Regional Council representing at least five area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. Quorum, voting

(2) Subject to subsection 3, each member of the Regional Council has one vote only. One vote

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman vote

**13.**—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

Idem

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

Other  
members

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council to hold office for the remainder of the term of his predecessor.

Resignation

(5) Where a member has been elected as a member of the Regional Council and of the council of an area municipality, resignation from either council shall be deemed to be resignation from both councils.

When seat  
to become  
vacant  
R.S.O. 1960,  
c. 249

(6) Section 144 of *The Municipal Act*, except clauses *f*, *g* and *h*, applies to the Regional Council.

Where head  
of council  
inca-  
pacitated

(7) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remunera-  
tion

**14.—**(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1971, such annual and other remuneration as the Regional Council may determine.

Idem

(2) For the year 1975 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

**15.**—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. Committees of council

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council. Remuneration of committee chairman

**16.** The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. Procedural by-laws

**17.**—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation. Head of council

(2) The Regional Council may by by-law appoint a chief administrative officer, who, Chief administrative officer

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the Regional Council; and

(d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 239 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2. Application of R.S.O. 1960, c. 249, s. 239

**18.** When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act. Acting chairman

**19.**—(1) Sections 192, 193, 195, 197, 198, 253, 275 to 280, and 406a of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1960, c. 249

Idem

(2) Sections 190, 198*a*, 198*b*, 199 and 244 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Council.

Appoint-  
ment of  
officer and  
his duties

**20.**—(1) The Regional Council shall appoint an officer, whose duty it is,

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy  
officer

(2) The Regional Council may appoint a deputy who shall have all the powers and duties of the officer appointed under subsection 1.

Acting  
officer

(3) When the office of the officer appointed under subsection 1 is vacant or the incumbent is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting officer *pro tempore* who shall have all the powers and duties of the officer appointed under subsection 1.

Acting  
officer, first  
meeting  
1970

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting officer who shall have all the powers and duties of an officer under subsection 1 for the purposes of the first meeting of the Regional Council in the year 1970 and thereafter until the Regional Council appoints an officer under this section.

Officer  
deemed  
clerk under  
other Acts

(5) An officer appointed under this section is deemed to be the clerk of the Regional Corporation for the purposes of every Act.

Minutes  
open to  
inspection  
and copies  
to be  
furnished

**21.**—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of an officer appointed under section 20, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional

Corporation made to the Regional Council or any of its committees, and the officer within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

(2) The officer appointed under section 20 shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Index of  
by-laws  
affecting  
land

(3) A copy of any record, book or document in the possession or under the control of an officer appointed under section 20, purporting to be certified under his hand and seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Copies  
certified  
by officer  
to be  
receivable  
in evidence

**22.**—(1) The Regional Council shall appoint a financial officer to undertake the duties of a treasurer and such financial officer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation, and shall perform such other duties as may be assigned to him by the Regional Council.

Appoint-  
ment of  
financial  
officer

(2) The Regional Council may appoint a deputy financial officer who shall have all the powers and duties of the financial officer.

Deputy  
financial  
officer

(3) When the office of financial officer is vacant or the financial officer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting financial officer *pro tempore* who shall have all the powers and duties of the financial officer.

Acting  
financial  
officer

(4) A financial officer appointed under this section is deemed to be the treasurer of the Regional Corporation for the purposes of every Act.

Financial  
officer  
deemed  
treasurer  
under other  
Acts

**23.**—(1) The financial officer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the financial officer shall be signed by the financial officer and by

Receipt and  
disburse-  
ment of  
money

some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing  
of cheques

(2) Notwithstanding subsection 1, the Regional Council may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the financial officer; and
- (b) provide that the signature of the financial officer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty cash  
fund

(3) The Regional Council may by by-law provide that the financial officer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

Member  
of Council,  
when he  
may be  
paid for  
work

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the financial officer for any work or service performed or to be performed.

Financial  
officer's  
liability  
limited

(5) The financial officer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

Bank  
accounts

**24.** Subject to subsection 3 of section 23, the financial officer shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the financial officer vary from such provisions.

**25.**—(1) The financial officer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Monthly  
statement  
by financial  
officer

(2) Where the financial officer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Notice to  
sureties

**26.**—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation.

Appoint-  
ment of  
auditors

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof.

Cost of  
audit

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Disqualifi-  
cation of  
auditors

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Department.

Duties of  
auditors

(5) The Regional Council may provide that all accounts shall be audited before payment.

Audit of  
accounts  
before  
payment

Application  
of  
R.S.O. 1960,  
c. 249

**27.**—(1) Sections 217, 223, 223*a*, 230, 232, 233, 234 and 236, subsections 1, 4 and 5 of section 238, sections 239, 240, 246 and 248*c* and paragraphs 9, 58, 59, 60, 61, 62 and 63 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

**Pensions**

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

**Idem**

(3) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

**Sick leave  
credits**

(4) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

**Holidays**

(5) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof or a roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for

such

such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1970, is employed by the County of York or by any roads commission or the health unit for the County of York or in any undertaking of any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1970.

Offer of continuation of employment by Regional Council

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1971, of not less than he was receiving on the 1st day of April, 1970.

Entitlement to salary

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62*.

Application of 1961-62, c. 97

(9) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1970, and continue to be so employed until the 31st day of December, 1970, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1971, not less than he was receiving on the 1st day of April, 1970.

Offer of continuation of employment by area council

(10) Any sick leave credits standing, on the 31st day of December, 1970, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Sick leave credits

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Holidays

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Termination of employment

**28.** This Part comes into force on the day this Act receives Royal Assent.

Commencement of Part

## PART III

## REGIONAL WATERWORKS SYSTEM

Establish-  
ment of  
waterworks

**29.**—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation, and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system.

Waterworks  
utilities  
commission  
prohibited

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission.

Assumption  
of works  
and mains

**30.**—(1) The Regional Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation.

Idem

(2) A by-law under subsection 1 shall designate and describe the works and trunk distribution mains assumed.

Interpre-  
tation

(3) For the purpose of subsection 1, a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it.

Extension  
of time

(4) Notwithstanding subsection 1, a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein.

Regional  
liability

(5) Where the Regional Corporation assumes a work or trunk distribution main vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b)

- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or main, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1960,  
c. 223

(6) If the Regional Corporation fails to make any payment Default as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

(7) In the event of any doubt as to whether any out- Settling  
of doubts standing debt or portion thereof is a debt in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

(8) In this section, "works" means buildings, structures, Interpre-  
tation plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses.

**31.**—(1) Where any local municipality or a local board Existing  
agreements thereof within the Regional Area has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

(2) Notwithstanding subsection 1 and notwithstanding Rates anything in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement.

**32.**—(1) No area municipality, after the 31st day of Powers of  
area muni-  
cipalities  
restricted December, 1970, shall establish, maintain or operate any works for the production, treatment and storage of water.

## Proviso

(2) Nothing in this section limits the powers of an area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation.

## Supply beyond limits of local municipality

**33.**—(1) No municipality or local board thereof that is supplied with water by the Regional Corporation shall supply or agree to supply any of such water beyond the limits of the municipality without the approval of the Regional Council.

## Proviso

(2) Nothing in subsection 1 prohibits an area municipality or local board from supplying water to another municipality where by an agreement entered into before the 12th day of October, 1970, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Regional Corporation.

## Regulation of supply, etc.

**34.**—(1) The Regional Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water from the regional waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Regional Corporation with regard to the water so supplied.

## Continuation of fluoridation of water supply in area

1960-61,  
c. 30

(2) Where, immediately before the 1st day of January, 1971, the water supply in any area in the Regional Area was fluoridated as a result of an affirmative vote of the electors to a question submitted to the electors under section 2 of *The Fluoridation Act, 1960-61*, the Regional Corporation may continue to fluoridate the water supply to such area.

## Maintenance, management, etc.

**35.** The Regional Council may pass by-laws for the maintenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality.

## Rates

**36.**—(1) The Regional Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.

(2) In fixing the rates, the Regional Council may use its <sup>Idem</sup> discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities.

(3) The Regional Council shall so fix the rates at which <sup>Self-sustaining</sup> water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

(4) Clause *k* of subsection 1 of section 53 of *The Ontario Municipal Board Act* does not apply with respect to water <sup>R.S.O. 1960, c. 274, s. 53, subs. 1, cl. *k*, not applicable</sup> supplied by the Regional Corporation to an area municipality.

**37.**—(1) The Regional Corporation shall supply water to <sup>Retail sale prohibited</sup> the area municipalities, but, subject to subsection 2, shall not supply water to any other person.

(2) The Regional Corporation may enter into a contract <sup>Sale to other municipalities</sup> for the supply of water to any local, regional or metropolitan municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

**38.** The Regional Council shall keep separate books and <sup>Books and accounts</sup> accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Department.

**39.**—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues in respect <sup>Application of revenues R.S.O. 1960, c. 335</sup> of the regional waterworks system shall be applied only for,

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system; or
- (c) the establishment of such reserve funds as the Regional Council may consider proper, to be used at any future time for any purpose mentioned in clause *a* or *b* or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Regional Corporation.

Where levy unnecessary

(2) It is not necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or any debt assumed by the Regional Corporation for the purposes of the regional waterworks system except to the extent that the revenues from the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures or debt.

Reserve Fund

(3) The moneys forming part of a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund.

R.S.O. 1960, c. 408

Application of reserve fund

(4) The moneys forming part of a reserve fund established under subsection 1 shall be applied or expended only for the purposes of the regional waterworks system.

Disposal of property

**40.**—(1) Subject to section 47, the Regional Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system but, where the property is actually used for the purposes of the waterworks system, no such sale, lease or other disposition shall be made without the approval of the Municipal Board.

Proceeds

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues in respect of the regional waterworks system.

Temporary shut-offs

**41.**—(1) The Regional Corporation is not liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown or when it is necessary in maintaining or extending the system, but the Regional Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water.

No breach of contract

(2) Where the supply of water by the Regional Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under

this subsection shall be deemed to be a breach of contract or entitle any person to rescind any contract or release any guarantor from the performance of his obligation.

**42.**—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws. <sup>Standards for local systems</sup>

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect the works or any part thereof to any work or main of the Regional Corporation without the approval of the Regional Council. <sup>Approval of local extensions and connections</sup>

**43.** If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council, <sup>Appeal</sup>

- (a) to assume as a regional work any local work;
- (b) to construct any extension of the regional distribution system;
- (c) to maintain or increase the supply of water to the area municipality;
- (d) to approve the construction or extension of any local water distribution works by the area municipality; or
- (e) to permit the connection or the continuance of a connection to the regional system,

the council may appeal to the Municipal Board which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

**44.**—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the financial officer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council. <sup>Payment of charges</sup>

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for <sup>Discounts and penalties</sup>

water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate not exceeding one-half of 1 per cent for each month or fraction thereof while such default continues.

Transfer  
of rights  
over works  
assumed

**45.** The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional waterworks system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed.

Inspection  
of local  
works

**46.** Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Reversion  
where mains  
no longer  
required

**47.** Where a distribution main has been assumed by the Regional Corporation under section 30 and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality.

Use of  
regional  
works

**48.** The works and mains assumed by the Regional Corporation under section 30, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 2 of section 37, to any local, regional or metropolitan municipality outside the Regional Area.

Commence-  
ment of  
Part

**49.** This Part comes into force on the day this Act receives Royal Assent.

## PART IV

## REGIONAL SEWAGE WORKS

**50.—(1)** In this Part,Interpre-  
tation

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) “sewer system” means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) “treatment works” means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) “work” means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

(2) For the purpose of this Part, a sewer, sewer system or *Idem* sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council.

**51.—(1)** For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional

General  
powers

Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area.

Sewage  
works  
utilities  
commission  
prohibited

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional sewage works to a public utilities commission.

Construc-  
tion, etc.,  
of trunk  
sewage  
works

**52.** The Regional Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.

Assumption  
of treatment  
works

**53.—(1)** The Regional Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation.

Other works

(2) The Regional Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1971.

Idem

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed.

Extension  
of time

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein.

Regional  
liability

(5) Where the Regional Corporation assumes a work or watercourse vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect

of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1960, c. 223

(6) If the Regional Corporation fails to make any payment Default as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

(7) In the event of any doubt as to whether any out- Settling of doubts standing debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

**54.**—(1) Where any local municipality or a local board Existing agreements thereof within the Regional Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

(2) Where any local municipality or a local board thereof Idem within the Regional Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

(3) Notwithstanding subsections 1 and 2 and notwith- Termination standing anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder.

**55.**—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter Powers of area municipalities restricted establish, maintain or operate treatment works without the approval of the Regional Council.

Idem

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1970, without the approval of the Regional Council.

Regulation  
of system,  
etc.

**56.** The Regional Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal.

Special  
benefit

**57.**—(1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work and at any time in respect of the assumption of the work by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Idem

(2) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom.

Payments

(3) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality.

Raising of  
money by  
area munici-  
pality

R.S.O. 1960,  
c. 249

(4) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 380 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing

the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work.

**58.**—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a regional work or watercourse without the approval of the Regional Council.

Connecting to regional works or water courses

(2) The Regional Corporation may enter into a contract with any local, regional or metropolitan municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Agreements with other municipalities

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the regional work or watercourse.

Inspection

**59.**—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws.

Standards for local systems

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council.

Approval of local extensions, etc.

**60.** If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

Appeal

- (a) to assume as a regional work any local work;
- (b) to construct, extend or improve any regional work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work; or

(e)

- (e) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

Special  
sewage  
service  
rates

**61.**—(1) The Regional Council may pass by-laws providing for the imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any regional work or works.

Idem

(2) All such charges constitute a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council.

Raising  
of money  
by area  
municipality  
R.S.O. 1960,  
c. 249

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 380 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

Contribution  
towards  
cost of  
separation  
of combined  
sewers

**62.** The Regional Council may contribute towards the cost to any area municipality of the separation of sanitary and storm sewers in an area municipality such amounts as it considers proper, not exceeding 25 per cent of the total cost thereof to the area municipality.

Transfer  
of rights  
over works  
assumed

**63.** The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed.

Inspection  
of local  
works

**64.** Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

**65.** Any works assumed by the Regional Corporation under section 53, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 58, from any local, regional or metropolitan municipality outside the Regional Area.

Use of  
regional  
works

**66.** This part comes into force on the day this Act receives Royal Assent.

Commence-  
ment of  
Part

## PART V

### REGIONAL ROAD SYSTEM

**67.** In this Part,

Interpre-  
tation

(a) "approved" means approved by the Minister or of a type approved by the Minister;

(b) "construction" includes reconstruction;

(c) "Department" means the Department of Highways;

(d) "maintenance" includes repair;

(e) "Minister" means the Minister of Highways;

(f) "road authority" means a body having jurisdiction and control of a highway.

**68.**—(1) On and after the 1st day of January, 1971, all roads under the jurisdiction and control of the County of York on the 31st day of December, 1970, shall constitute the regional road system.

County  
roads to  
constitute  
regional  
road system

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality, including a metropolitan or other regional municipality, as may be agreed upon between the Regional Council and the council of such municipality.

Adding or  
removing  
roads by  
by-law

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Department within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part

Transfer  
of provincial  
highway to  
Regional  
Corporation

of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of *The Highway Improvement Act*.

R.S.O. 1960,  
c. 171

Vesting of  
roads in  
regional  
road system

(4) While a road or a part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold of such road or part is vested in the Regional Corporation.

Removal of  
roads from  
regional  
road system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Roads  
removed  
from system

(6) Where a road or part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 79, such road or part is thereupon transferred to and jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Consolidat-  
ing by-law

(7) The Regional Council shall, on or before the 1st day of January, 1976, pass a by-law setting out all the roads then in the regional road system or consolidating all by-laws relating to the regional road system and shall at intervals of not more than five years thereafter pass similar by-laws.

Approval of  
by-laws

(8) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council, and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

Application  
of  
R.S.O. 1960,  
c. 349

(9) *The Regulations Act* does not apply to an order in council made under this section.

Plan of  
construction  
and main-  
tenance

**69.**—(1) The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Submission  
of by-law  
covering  
estimated  
expenditure

(2) The Regional Corporation shall submit a by-law covering the estimated expenditure on regional roads for the calendar year to the Department for the Minister's approval not later than the 31st day of March of the year in which the expenditure is to be made.

(3) The Regional Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on regional roads supplementing the by-law submitted under subsection 2.

(4) No grant shall be made by the Department towards work undertaken by the Regional Corporation that has not been provided for by a by-law duly approved by the Minister.

**70.** Where the Regional Corporation proposes the construction, improvement or alteration of a regional road it shall furnish the Minister with such detailed information as he may require.

**71.—**(1) The Regional Corporation shall annually, and may, with the consent of the Minister at any time during the year, submit to the Minister,

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the person appointed under section 91 that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the financial officer of the Regional Corporation that the statement of receipts and expenditures is correct; and
- (d) a request for the payment of the grant, authorized by resolution of the Regional Council.

(2) Upon receipt of the statement, declarations and request and the approval thereof by the proper officer of the Department, the Minister may direct payment to the financial officer of the Regional Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

(3) Notwithstanding subsection 2 but subject to section 69, the Minister may, in his discretion, direct payment to the Regional Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

- (a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

(b)

- (b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

Payment  
for road  
improvement

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the regional road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the Regional Corporation, direct payment to the financial officer of the Regional Corporation out of the moneys appropriated therefor by the Legislature of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Contribu-  
tion towards  
expenditures

(5) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Expenditure  
for con-  
struction,  
maintenance  
or repair

**72.** The roads forming part of the regional road system shall be maintained and kept in repair by the Regional Corporation, and in all cases the Minister shall determine the amount of the expenditure that is properly chargeable to road improvement, and his decision is final.

Powers  
over roads  
assumed

**73.** The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of York or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any roads commission which had jurisdiction over the roads before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of York or the area municipality or municipalities or roads commission, as the case may be, might have done if the roads had not become part of the regional road system.

Sidewalks  
excepted

**74.—(1)** The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any regional road or portion thereof, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible

for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 443 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1960,  
o. 249

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road and the Regional Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council.

Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost provided

R.S.O. 1960,  
c. 223

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area municipality to conform to requirements and be responsible for damages

(5) Subsection 4 of section 100 of *The Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

R.S.O. 1960,  
c. 171, s. 100,  
subs. 4,  
not to apply

**75.**—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than the King's Highway, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon, entering or leaving a regional road.

Installation of traffic control devices

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Department, entering or touching upon or giving access to a regional road.

Relocation of intersecting roads

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Idem

Construction of storm sewer, etc., on area municipality road

R.S.O. 1960, c. 223

(4) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

Intersection of other roads by regional road

**76.** Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road intersected is a part of the regional road system.

Dedication of lands abutting regional roads for widening purposes

**77.** When land abutting on a regional road is dedicated for highway purposes for, or apparently for, the widening of the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

New roads

R.S.O. 1960, c. 249

**78.** The Regional Council may pass by-laws for establishing and laying out new roads and for adding such new roads to the regional road system and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

Powers and liabilities of Regional Corporation

R.S.O. 1960, cc. 249, 172

**79.** With respect to the regional roads and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city under *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Erection of gasoline pump and advertising device near regional road

**80.—(1)** The Regional Council may, with respect to a regional road, by by-law prohibit or regulate the placing or erecting of,

- (a) any gasoline pump within 150 feet of any limit of a regional road; and
- (b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

**81.**—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

R.S.O. 1960, c. 172

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

(3) The Regional Corporation may contribute towards the cost of the erection of signal-light traffic control devices erected by an area municipality.

Contribution towards cost of signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Traffic control within 100 ft. of regional roads  
R.S.O. 1960, c. 172

**82.** The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a regional road for the construction, maintenance and use of walks for pedestrians over, across or under the road upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such regional road within those portions of an area municipality in which land may be used for commercial or industrial purposes, for such considerations and upon such terms and conditions as may be agreed.

Agreements for pedestrian walks

**83.**—(1) Sections 452 and 454 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality, including a metropolitan or other regional municipality, where such bridge or highway is included in the regional road system and in the road system of such municipality.

Disputes as to maintenance, etc., of bridges and highways  
R.S.O. 1960, c. 249

(2) When there is a difference between the Regional Council and the council of a municipality, including a metropolitan or other regional municipality, in respect of any such

Idem

bridge

bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of such municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of such municipality.

Hearing by  
O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality, including a metropolitan or other regional municipality, and, in the case of the Regional Corporation, the officer appointed under section 20, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute towards the building and maintaining of such bridge or highway.

Term of  
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary  
bridges  
between area  
municipali-  
ties  
R.S.O. 1960,  
c. 249

**84.** Clause *b* of subsection 1 of section 419 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary  
bridges be-  
tween  
Regional  
Area and  
adjoining  
municipality

**85.** Section 434 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and such adjoining municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Restrictions

**86.—**(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 30 of *The Planning Act*.

R.S.O. 1960,  
c. 296

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 30 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

Conflict  
with local  
by-law

**87.**—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Controlled-  
access roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Closing  
municipal  
roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Notice of  
application  
for approval  
for closing  
road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of  
O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Closing  
road

Idem

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Regional Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Regional Corporation as it considers proper and may fix the amount of such costs.

Appeal

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Regional Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to  
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and  
procedure on  
appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Court of Appeal is final.

R.S.O. 1960,  
c. 274, s. 95,  
not to  
apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private  
roads, etc.,  
opening  
upon  
regional  
controlled-  
access  
road

**88.—**(1) The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Notice

(2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection 1.

Service  
of notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure to  
comply with  
notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution

direct

direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

(5) Every person who fails to comply with a notice given <sup>Offence</sup> under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(6) Where a notice given under subsection 2 has been <sup>Compensation</sup> complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 87 was constructed or used, as the case may be,

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

(b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

**89.**—(1) Where the Regional Corporation adds to the <sup>Regional liability when road added</sup> regional road system any road in an area municipality, no compensation or damages shall be payable to the area municipality in which it was vested.

(2) Where a road has been added to the regional road <sup>Idem</sup> system by a by-law passed under subsection 2 of section 68, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of <sup>R.S.O. 1960, c. 223</sup> a local improvement work.

(3) If the Regional Corporation fails to make any payment <sup>Default</sup> as required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

(4) In the event of any doubt as to whether any out- <sup>Settling of doubts</sup> standing debt or portion thereof is a debt in respect of the road added to the regional road system, the Municipal Board,

upon

upon application, may determine the matter and its decision is final.

Stopping up  
highways

**90.**—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify by registered mail the officer appointed under section 20.

Agreement

(2) If the Regional Council objects to such stopping up, it shall so notify the council of the area municipality by registered mail within sixty days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appoint-  
ment of  
roads com-  
missioner  
1968-69,  
c. 99

**91.** The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act, 1968-69*, to administer and manage the regional road system.

Application  
of  
R.S.O. 1960,  
c. 171

**92.** Sections 95, 97, 99, 102 and 105 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any regional road.

Commence-  
ment of  
Part

**93.** This Part comes into force on the day this Act receives Royal Assent.

## PART VI

### PLANNING

Planning  
area

R.S.O. 1960,  
c. 296

**94.**—(1) On and after the 1st day of January, 1971, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the York Planning Area.

Designated  
municipality

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the York Planning Area.

Planning  
areas  
dissolved

(3) All planning areas and subsidiary planning areas that are included in the York Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1970.

Area  
muni-  
cipalities  
subsidiary  
planning  
areas

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1971, and each council thereof shall have all the powers and duties of a planning board, but sections 3, 4, 6, 7, 7a and 8 of *The Planning Act* do not apply to such council.

(5) Nothing in subsections 3 and 4 affects any official plan <sup>Proviso</sup> in effect in any part of the Regional Area.

(6) When the Minister has approved an official plan adopted <sup>Effect of ~~the~~ official plan</sup> by the Regional Council,

(a) every official plan and every by-law passed under section 30 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and <sup>R.S.O. 1960, c. 296</sup>

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

**95.**—(1) The Regional Council shall investigate and survey <sup>Planning duties of Regional Council</sup> the physical, social and economic conditions in relation to the development of the York Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the York Planning Area, and without limiting the generality of the foregoing it shall,

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the York Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the York Planning Area in determining the solution of problems or matters affecting the development of the York Planning Area; and

(c) consult with any local board having jurisdiction within the York Planning Area.

(2) The Regional Council, before the 31st day of December, <sup>Official plan</sup> 1974, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

(3) The Regional Council and the council of each area <sup>Appointment of planning staff</sup> municipality may appoint such planning staff as it considers necessary.

(4) The Regional Council and the council of each area <sup>Appointment of committees</sup> municipality may appoint such planning committees as it considers necessary.

Regional Corporation deemed municipality under R.S.O. 1960, c. 296

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 11, 12, 12a, 13, 14, 15, 16, 19, 23, 24, 25, 28, 33 and 34 of *The Planning Act*.

Idem

(6) The Regional Council shall be deemed to be a county for the purposes of section 31a of *The Planning Act*.

Agreements re plans of subdivision

(7) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements re special studies

(8) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the York Planning Area or any part thereof.

Delegation of Minister's powers

(9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.

Committees of adjustment

(10) All committees of adjustment heretofore constituted by the council of a local municipality in the York Planning Area are hereby dissolved on the 31st day of December, 1970, and the council of each area municipality shall forthwith after the 1st day of January, 1971, pass a by-law constituting and appointing a committee of adjustment under section 32a of *The Planning Act*.

Application of R.S.O. 1960, c. 296

**96.** Except as provided in this Part, the provisions of *The Planning Act* apply.

Commencement of Part

**97.** This Part comes into force on the day this Act receives Royal Assent.

## PART VII

### HEALTH AND WELFARE SERVICES

Liability for hospitalization of indigents R.S.O. 1960, cc. 322, 305

**98.—**(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1970, of an indigent person or his dependant who was in hospital on the 31st day of December, 1970, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality, or the County of York. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1971. Proviso

(4) The 1971 indigent hospitalization grant payable under section 8a of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality and the County of York for purposes mentioned in such section 8a in the year 1970 and shall be paid to the Regional Corporation. Hospitalization grant 1971 under R.S.O. 1960, c. 259

**99.** The Regional Council may pass by-laws for granting aid to hospitals for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor. Aid to hospitals

**100.**—(1) On and after the 1st day of January, 1971, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply. Regional Area to be health unit R.S.O. 1960, c. 321

(2) The health unit serving the County of York on the 31st day of December, 1970, is hereby dissolved on the 1st day of January, 1971, and all the assets and liabilities thereof shall be disposed of by order of the Minister of Health. Dissolution of York health unit

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health. Boundaries fixed

**101.**—(1) On and after the 1st day of January, 1971, the board of health of the health unit established under section 100 shall be composed of, Constitution of health board

- (a) five members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remuneration of certain members

(2) The members of the board of health of the health unit appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses of board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Regional Area health unit in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

R.S.O. 1960, c. 321

Regional Corporation deemed city under 1967, c. 3, R.S.O. 1960, cc. 236, 359, 425

**102.**—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *The Anatomy Act, 1967.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

Regional Corporation deemed county under 1966, c. 37, R.S.O. 1960, cc. 164, 173

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *The Day Nurseries Act, 1966.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

Liability respecting homes for the aged  
R.S.O. 1960, c. 174

**103.**—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Application

(2) Section 13 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home, except that the authorization and statement in the prescribed forms referred to in clauses *e* and *h* of subsection 1 of such section 13 shall be signed by such person or persons as may be designated by resolution of the Regional Council.

Residents of other homes for the aged

**104.**—(1) The Regional Corporation shall pay to the board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home,

incurred

incurred after the 31st day of December, 1970, of every resident of such home who was admitted thereto due to residence in an area that becomes part of an area municipality.

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. Amount of maintenance payment

**105.** No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act, 1965* and the Regional Corporation shall be deemed to be a county for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act. Regional Corporation deemed metropolitan municipality under 1965, c. 14

**106.** The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1971, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred

**107.** Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. Liability under order made under R.S.C. 1952, c. 160

**108.** Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. Information

**109.** In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. Adjustments

**110.** The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act, 1966*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. Grants, etc., to approved corporations under 1966, c. 65

**111.** This Part comes into force on the 1st day of January, 1971. Commencement of Part

## PART VIII

## POLICE

Interpre-  
tation

**112.** In this Part, "York Police Board" means the York Regional Board of Commissioners of Police.

York  
Regional  
Board  
established  
R.S.O. 1960,  
c. 298

**113.**—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1970, a board of commissioners of police shall be constituted to be known as the York Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of the county court of the Judicial District of York designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum

(2) Three members of the York Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remunera-  
tion

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the York Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Regional  
Corporation  
deemed  
city under  
R.S.O. 1960,  
c. 298

**114.** On and after the 1st day of January, 1971,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except section 7 thereof; and
- (b) *The Police Act* does not apply to any area municipality.

Area police  
force

**115.**—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1970, and continues to be a member until the 31st day of December, 1970, shall, on the 1st day of January, 1971, become a member of the York Regional Police Force,

and

and the provisions of subsections 2 to 7 of section 27 apply to such members, but no member shall receive in the year 1971 any benefits of employment less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1970, and becomes a member of the York Regional Police Force on the 1st day of January, 1971, is subject to the government of the York Police Board to the same extent as if appointed by the York Police Board.

(3) Every person who becomes a member of the York Regional Police Force under subsection 1 shall, <sup>Terms of employment</sup>

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the York Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System;
- (b) have a retirement age of sixty years of age except that those members of the police force of a local municipality whose retirement age was sixty-five years of age immediately before they become members of the York Regional Police Force shall continue, until the 1st day of January, 1975, to have a retirement age of sixty-five years of age;
- (c) have credited to him in the York Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1971; and
- (d) receive such sick leave credits in the sick leave credit plan which shall be established by the York Police Board as he had standing to his credit in the plan of the local municipality.

**116.**—(1) The Regional Council shall, before the 1st day of January, 1971, pass by-laws which shall be effective on such date assuming for the use of the York Police Board any such land or building that the York Police Board may require that is vested on the 1st day of July, 1970, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation. <sup>Assumption of buildings</sup>

Sale by area  
municipalities  
limited

(2) No local municipality, between the 1st day of June, 1970, and the 1st day of January, 1971, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

Extension  
of time

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1971, and in that case the by-law shall become effective on the date provided therein.

Building  
not used  
exclusively  
for police  
force

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional  
Corporation  
liability

(5) Where the Regional Corporation assumes any property under subsection 1 or 3,

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1970, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

(6) If the Regional Corporation fails to make any payment<sup>Default</sup> as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

(7) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the York Police Board on or after the 1st day of January, 1971, shall provide, at such rental as may be agreed upon, at least as much accommodation<sup>Accommodation</sup> in such building for the use of the York Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1970, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

(8) At the request of the York Police Board, each area<sup>Office supplies, etc.</sup> municipality, for the use of the York Police Board,

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1971, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1971, on the same terms and to the same extent as the police force used the property before such date.

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1970, or thereafter, are vested in the Regional Corporation for the use of the York Police Board on the 1st day of January, 1971, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system.<sup>Signal system transferred</sup>

(10) In the event of any doubt as to whether,<sup>Settling of doubts</sup>

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or

(b)

(b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

Property to be provided

**117.** The Regional Corporation shall provide all real and personal property necessary for the purposes of the York Police Board.

Commencement of Part

**118.** This Part comes into force on the 1st day of January, 1971.

PART IX

FINANCES

Interpretation  
1968-69, c. 6

**119.—**(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act, 1968-69*.

Application of 1970, c. 15 to area municipalities

(2) Every area municipality shall be deemed to be an area municipality for the purposes of *The Regional Municipal Grants Act, 1970*.

Application of 1970, c. 15 to Regional Corporation

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act, 1970*, except that,

(a) for the purposes of any payment under that Act in the year 1971 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Department considers proper; and

(b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act, 1970* means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 122 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act, 1970*.

Investment of moneys not immediately required  
R.S.O. 1960, c. 249

**120.** Section 302 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

## YEARLY ESTIMATES AND LEVIES

**121.**—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe. <sup>Yearly estimates</sup>

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve. <sup>Allowance to be made in estimates</sup>

**122.**—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient, <sup>Levy on area municipalities</sup>

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality. <sup>Apportionment</sup>

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. <sup>Idem</sup>

(4) The Department shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities. <sup>Equalized assessment</sup>

When subs.  
4 ceases  
to apply

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister.

Copy to  
Regional  
Corporation  
and area  
municipality

(6) Upon completion by the Department of the revision and equalization of assessment, the Department shall notify the Regional Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality.

Appeal

(7) If any area municipality is not satisfied with the assessment as revised and equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Department.

Idem

(8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization.

Amendment  
of by-law  
where  
necessary  
following  
appeal

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Department and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the financial officer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the financial officer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the financial officer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed  
assessments,  
etc., not to  
apply

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*,

1968-69, c. 6

1968-69 or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act, 1968-69*.

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

Assessment upon which levy apportioned to include valuations on properties for which payments in lieu of taxes paid

(12) The clerk of an area municipality shall transmit to the Department, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Department shall revise and equalize the valuations, and shall thereupon notify the Regional Corporation of the revised and equalized valuations.

Valuations of properties in respect of which grants in lieu of taxes received

(13) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Levy by-laws

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act, 1968-69*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Regional levy 1968-69, c. 6

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the financial officer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Payment

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Default

**123.**—(1) The Department shall revise and equalize, by the application of the latest equalization factors of the Department, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding.

Equalization of assessment of merged areas

Notice

(2) Upon completion by the Department of the revision and equalization of assessment in an area municipality under subsection 1, the Department shall notify the area municipality of the revised and equalized assessment.

Apportionment among merged areas 1970, c. 15 R.S.O. 1960, c. 249

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act, 1970*, the net regional levy and the sums adopted in accordance with section 297 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized assessment of each merged area bears to the total equalized assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 1.

Determination of rates

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act, 1970*.

When provisions cease to apply

(5) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 122.

Levy by Regional Council before estimates adopted

**124.**—(1) Notwithstanding section 122, in the year 1971 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1970 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 122, and subsections 15 and 16 of section 122 apply to such a levy.

Idem

(2) Notwithstanding section 122, in 1972 and in subsequent years the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 122 apply to such a levy.

Levy under section 122 to be reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 122.

Levy by area municipality before estimates adopted

(4) Notwithstanding section 123, until the date determined by the Minister under subsection 5 of section 122, the council of an area municipality may in any year by by-law passed

before

before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 123, until the date determined by the Minister under subsection 5 of section 122, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 123.

(7) Subsection 3 of section 294a of *The Municipal Act* applies to levies made under this section.

(8) Section 294a of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 122.

**125.**—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Rates for public school purposes on residential assessment  
R.S.O. 1960, c. 361

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Rates for secondary school purposes on commercial assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Rates for secondary school purposes on residential assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Regulations under R.S.O. 1960, c. 362 to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 122.

Transitional adjustments

**126.** The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

**127.**—(1) For the purpose of subsection 2 of section 297 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1971 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1971  
R.S.O. 1960, c. 249

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1970.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Idem

#### RESERVES

**128.** Where, under subsection 2 of section 297 of *The Municipal Act*, the County of York has established reserves, those reserves shall become the reserves of the Regional Corporation.

Reserves of Regional Corporation

#### ADJUSTMENTS

**129.**—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 297 of *The Municipal Act*.

Interpretation

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1970, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 3, shall be provided for by adjustment of the tax rate in the year 1971.

Surplus or deficit at December 31, 1970 to be applied to supporting assessment

(3) Where, in the opinion of the Minister, the operation of this section would cause substantial hardship to the taxpayers in a particular merged area within any area municipality he may, by order, provide that the necessary adjustment in the tax rate be made over a period of not more than five years.

Adjustments may be spread over five years by order

Arbitration

**130.**—(1) The Minister may, on or before the 1st day of September, 1970, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of East Gwillimbury, the Township of King, the Township of Markham, the Township of Vaughan, the Township of Whitchurch and the Police Village of Thornhill.

Idem

(2) Each committee shall consist of one or more treasurers designated by the Minister representing municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds, and the treasurer of the divided municipality whose assets, liabilities or reserve funds are to be considered, or such other person or persons as the Minister may appoint.

Provisional  
deter-  
mination

(3) Before the 31st day of December, 1970, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1971.

Final  
deter-  
mination

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1970, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 10 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1960,  
c. 249

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Substantial  
hardship

(7) Where, in the opinion of the Minister, any financial settlement arising from the application of this section would cause substantial hardship to the taxpayers of an area municipality, he may, by order, provide that such settlement be made over a period not exceeding five years.

(8) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

Documents  
and records  
of divided  
municipalities

#### RESERVE FUNDS

**131.**—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Reserve  
funds of  
municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

Idem

**132.**—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Reserve  
funds, estab-  
lishment

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys form part of the reserve fund.

Investments  
and income

R.S.O. 1960,  
c. 408

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

Expenditure  
of reserve  
fund moneys

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

Auditor to  
report on  
reserve  
funds

## TEMPORARY LOANS

Current  
borrowings

**133.**—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and financial officer to borrow from time to time by way of promissory note such sums as the Regional Council may deem necessary to meet, until the levies are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon  
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary  
application  
of estimates  
of preceding  
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1971 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

Protection  
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of  
promissory  
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the financial officer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation of  
charge

(6) The Regional Council may by by-law provide or authorize the chairman and financial officer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received,

provided

provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and financial officer. Execution of agreements

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years. Penalties for excess borrowings

(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for misapplication of revenues by Regional Council

(10) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for misapplication of revenues by officials

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. Saving as to penalties R.S.O. 1960, c. 98

#### DEBT

**134.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of, Debt R.S.O. 1960, c. 274

(a) the Regional Corporation;

(b) any area municipality;

(c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

## Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

## Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1970 power to issue debentures.

Uncom-  
pleted works

(4) When an area municipality, prior to the 31st day of December, 1970,

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1960,  
c. 274

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 137, and no further approval of the Municipal Board is required.

Bonds,  
debentures,  
etc., trustee  
investments

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

R.S.O. 1960,  
c. 408

Power to  
incur  
debt or  
issue deben-  
tures

R.S.O. 1960,  
c. 274

**135.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 134 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained. <sup>Idem</sup>

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*. <sup>Proviso</sup>

R.S.O. 1960,  
c. 274

**136.**—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the Regional Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter. <sup>Hearing</sup>

(2) Notice of the hearing shall be given to the officer of the Regional Corporation appointed under section 20 and to the clerk of each area municipality in such manner as the Municipal Board may direct. <sup>Notice</sup>

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation. <sup>Dispensation with hearing</sup>

(4) The Municipal Board may direct that an applicant give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the Regional Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing. <sup>Idem</sup>

**137.**—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan. <sup>Borrowing pending issue and sale of debentures</sup>

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advances or loan to the area municipality.

Interest on proceeds transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application of proceeds of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 149, shall be transferred to the area municipality.

Hypothecation not to prevent subsequent sale of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal and interest payments

**138.**—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When debentures to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

Special levy  
against area  
municipalities

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

General  
levy

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Levy by  
area muni-  
cipalities

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

Levies a  
debt

(8) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

By-law to  
change mode  
of issuing  
debentures

(9) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Debentures  
when to be  
dated and  
issued

Date of  
debentures

(10) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(11) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension  
of time  
for issue

(12) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application  
after time  
expired

(13) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective  
date

(14) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consolida-  
tion

(15) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consoli-  
dating  
debenture  
by-laws  
R.S.O. 1960,  
c. 249

(16) Section 283 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Redemption  
before  
maturity

(17) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.

3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(18) The by-law may provide that the debentures to be <sup>Currency</sup> issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;  
or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain.

(19) Where under the provisions of the by-law debentures <sup>Annual rates</sup> issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in

such

such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal  
levies

(20) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding  $3\frac{1}{2}$  per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated  
bank  
accounts

(21) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

(a) the financial officer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking  
fund  
committee

(22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the financial officer of the Regional Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Lieutenant Governor in Council may determine.

Alternate  
members

(23) The Lieutenant Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman

(24) The financial officer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 234 of *The Municipal Act* apply with respect to such security.

(26) Two members of the sinking fund committee are a <sup>Quorum</sup> quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

(27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and <sup>Control of sinking fund assets</sup> management of the sinking fund committee.

(28) All withdrawals from the consolidated bank accounts shall be <sup>With-</sup>authorized by the sinking fund committee, and all <sup>drawals from bank accounts</sup> cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

(29) The sinking fund committee shall invest any moneys <sup>Investments</sup> on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

(30) The moneys in the consolidated bank accounts shall <sup>Idem</sup> be invested in one or more of the following forms,

(a) in securities in which a trustee may invest under *The Trustee Act*;

R.S.O. 1960,  
c. 408

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be <sup>Deposit of securities with Treasurer of Ontario</sup> deposited with the Treasurer of Ontario.

(32) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 31 only upon the direction in writing of the sinking fund committee. <sup>Release of securities by Treasurer of Ontario</sup>

(33) All sinking fund debentures issued on the same date, <sup>Sinking fund accounts</sup> payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings  
credited  
to sinking  
fund account

(34) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 20 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 20 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

Sinking  
fund  
require-  
ments

(35) The financial officer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(36) If the financial officer of the Regional Corporation contravenes subsection 21 or 35, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Failure  
to levy

(37) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where  
amount in  
sinking fund  
account  
more than  
sufficient  
to pay debt

(38) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. <sup>No diversion of sinking funds</sup>

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall, <sup>Surplus</sup>

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
  - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
  - (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
  - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40. <sup>Deficit and surplus</sup>

**139.**—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for, <sup>When rate of interest may be varied</sup>

(a)

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypothecation not a sale under this section

(2) For the purposes of this section, the hypothecation of debentures under section 137 shall not constitute a sale or other disposal thereof.

Consolidation of debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special assessment and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Repeal of by-law when part only of money to be raised

**140.**—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

When to take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt paid certain by-laws cannot be repealed

**141.**—(1) Subject to section 140, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest

therein

therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. Application of payments

**142.** Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. Offence for neglect of officer to carry out by-law

**143.—**(1) Within four weeks after the passing of a money by-law, the officer appointed under section 20 may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land titles or registry office. Money by-laws may be registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act, 1962-63* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be. Application to quash registered by-law, when to be made R.S.O. 1960, c. 274 1962-63, c. 39 R.S.O. 1960, c. 223

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms. Time when by-law to be valid and binding

Quashing  
part of  
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of  
application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal  
by-laws not  
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 135, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 138 have not been substantially complied with.

Failure to  
register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures,  
how sealed  
and  
executed

**144.**—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the financial officer.

Interest  
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the financial officer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the financial officer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical  
reproduc-  
tion of  
signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the financial officer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the financial officer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the financial officer, as the case may be, and is binding upon the Regional Corporation.

Effect of  
mechanical  
repro-  
duction

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Sufficiency  
of signatures

**145.** Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Debentures  
on which  
payment  
has been  
made for  
one year  
to be valid

**146.—**(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

Mode of  
transfer  
may be  
prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the financial officer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

.....

of.....

the financial officer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Require-  
ments as to  
endorsing  
certificate  
of ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the financial officer.

Transfer by  
entry in  
Debenture  
Registry  
Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Replace-  
ment of  
lost debentures

**147.** Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange of  
debentures

**148.**—(1) On request of the holder of any debenture issued by the Regional Corporation, the financial officer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request  
of sinking  
fund  
committee

(2) On the request of the sinking fund committee, the financial officer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New debentures of  
same force  
and effect  
as debentures  
surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures  
surrendered  
for exchange  
to be  
cancelled

(4) The financial officer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application  
of proceeds  
of debentures

**149.**—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes

for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

**150.** Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 149 or

with

with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Tenders for  
debentures

**151.** When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Accounts,  
how to be  
kept

**152.**—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
  - (i) an additional account for the interest, if any, and
  - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated  
interest  
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application  
of surplus  
money

**153.** If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

**154.**—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. <sup>Liability of members</sup>

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area. <sup>Action by ratepayer</sup>

(3) The members who vote for such application are disqualified from holding any municipal office for two years. <sup>Disqualification</sup>

**155.** When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board, <sup>Refinancing of debentures</sup>

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

#### ASSETS

**156.** In the year 1970, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Municipal Board, dispose of any asset purchased at a cost of, or valued at, more than \$5,000. <sup>Disposal of assets</sup>

**157.**—(1) This Part, except sections 130 and 156 comes into force on the 1st day of January, 1971. <sup>Commencement of Part</sup>

(2) Sections 130 and 156 come into force on the day this Act receives Royal Assent. <sup>Idem</sup>

## PART X

## GENERAL

Application  
of R.S.O.  
1960, c. 249

**158.**—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248*b* and 250*a*, paragraphs 3 and 22 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Deemed city  
under R.S.O.  
1960, c. 249

(2) For the purposes of subsection 2 of section 482 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city.

Erections,  
annexations  
and amalga-  
mations

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Nuisances,  
entertain-  
ment,  
expenses, etc.

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraph 116 of subsection 1 of section 379 and section 410 of *The Municipal Act*.

Delegation  
of approvals  
or consents

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 2 of section 42, subsection 1 of section 58, subsection 2 of section 59 and subsection 2 of section 74 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Deemed  
county for  
1961-62,  
c. 18

(6) For the purposes of *The Construction Safety Act, 1961-62*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Deemed  
municipality  
R.S.O. 1960,  
c. 218

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of section 87 of *The Liquor Licence Act*.

By-laws

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1970, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1971, until repealed by the council of an area municipality as it affects such area municipality.

**159.**—(1) The Regional Council may pass by-laws,

Emergency  
measures,  
civil defence

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 378 of *The Municipal Act* have no effect.

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of  
Regional  
Council re  
emergency  
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1952,  
c. 288  
1962-63,  
c. 41

**160.** The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the

Expendi-  
tures for  
diffusing in-  
formation

regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Grants to persons engaged in work advantageous to Regional Area

**161.** The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 122, to institutions, associations and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment of damages to employees

R.S.O. 1960, c. 437

**162.** Where, in an action or by the settlement of a claim arising out of any injury to an employee or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Investigation by county judge of charges of malfeasance

R.S.O. 1960, c. 323

**163.**—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Fees payable to judge

R.S.O. 1960, c. 197

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under the *Judicature Act*.

(3) The Regional Council may engage and pay counsel to <sup>Engaging counsel</sup> represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

(4) The judge may engage counsel and such other assistants <sup>Idem</sup> and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

**164.**—(1) The Lieutenant Governor in Council, upon the <sup>Commission of inquiry</sup> recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*. <sup>R.S.O. 1960, c. 323</sup>

(2) A commission may be recommended at the instance of the Department or upon the request in writing of not less <sup>When commission may issue</sup> than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

(3) The expenses of and incidental to the execution of <sup>Expenses of commission</sup> the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

**165.** The Regional Corporation for its purposes may <sup>Entry on highways, etc.</sup> enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

**166.** The Regional Corporation and any area municipality <sup>Agreements re services</sup> may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment.

Application  
of 1968-69,  
c. 6

**167.**—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act, 1968-69*, the Regional Corporation shall be deemed to be a municipality.

Regional  
Corporation  
and area  
municipali-  
ties not  
deemed  
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act, 1968-69*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpreta-  
tion

(3) In subsection 2, “Regional Corporation” and “area municipality” include a local board thereof.

Executions  
against  
Regional  
Corporation

**168.**—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the financial officer of the Regional Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of York (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

**169.**—(1) The Corporation of the County of York is dissolved on the 1st day of January, 1971.

(2) All the assets and liabilities of the County of York become, on the 1st day of January, 1971, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of York shall be transferred to the officer appointed under section 20.

Roads com-  
mission  
dissolved

**170.**—(1) The Toronto and York Roads Commission is hereby dissolved on the 1st day of January, 1971.

Assets and  
liabilities

(2) All the assets and liabilities of The Toronto and York Roads Commission become, on the 1st day of January, 1971, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commission shall be transferred to the officer appointed under section 20.

Adjustment  
of assets,  
etc.

**171.**—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses *a*, *b* and *d* of subsection 10 of section 14 of *The Municipal Act* in relation to the dissolution of the County of York and The Toronto and York Roads Commission under this Act.

R.S.O. 1960,  
c. 249

Disputes

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1960,  
c. 274

Conditional  
powers

**172.** The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the intent and purposes of this Act.

Conflict  
with other  
Acts

**173.** The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Municipal  
buildings

**174.**—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application  
of R.S.O.  
1960, c. 249,  
s. 252

(2) Section 252 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

**175.**—(1) In this section, “waste” includes ashes, garbage, refuse and domestic or industrial waste of any kind. Interpretation

(2) Where an area municipality has requested the Regional Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the Regional Corporation and the area municipality may enter into an agreement for the use and operation of such facilities. Agreement

(3) For the purposes of an agreement under subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste. Waste disposal sites

(4) A by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* does not apply to the Regional Corporation. Application of by-law under R.S.O. 1960, c. 249, s. 379, subs. 1, par. 112

(5) For the purposes of subsection 3, paragraph 76 of subsection 1 of section 379 of *The Municipal Act* applies *mutatis mutandis*. Acquisition of land for waste disposal

**176.** The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. Regional Fire Co-ordinator

**177.**—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1970, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality. Existing speed limits continued R.S.O. 1960, c. 172

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 59 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control. By-laws of Regional Council and area councils

(3) Every by-law passed by the council of a municipality under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1970, to any Existing speed limit continued

highway

highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto.

Application  
of R.S.O.  
1960, c. 300,  
s. 111

**178.**—(1) On and after the 1st day of January, 1971, no area municipality shall be required to comply with section 111 of *The Power Commission Act*.

Vaughan  
Township  
Council to  
be hydro-  
electric com-  
mission for  
1971

(2) The members of the council of the Township of Vaughan as it exists on the 31st day of December, 1970, shall, for the year 1971, be deemed to be a commission established under Part III of *The Public Utilities Act* for the Township of Vaughan Hydro-Electric System to be known as The Hydro-Electric Commission of the Township of Vaughan which shall be deemed to be a local board of the area municipality of the Town of Vaughan, and all rights and obligations of the Township of Vaughan in relation to the Township of Vaughan Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of the Township of Vaughan.

Trustees of  
King City  
to be hydro-  
electric com-  
mission for  
1971

(3) The trustees of the Police Village of King City as it exists on the 31st day of December, 1970, shall, for the year 1971, be deemed to be a commission established under Part III of *The Public Utilities Act* for the King City Hydro-Electric System to be known as The Hydro-Electric Commission of King City which shall be deemed to be a local board of the area municipality of the Township of King, and all rights and obligations of the trustees of the Police Village of King City relating to the King City Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of King City.

Powers of  
utilities  
commissions  
transferred  
to area  
municipality  
or Regional  
Corporation

(4) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the Regional Area are continued for the year 1971 as local boards of the area municipality in which they have jurisdiction and the powers and duties of every such public utilities commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1971, powers and duties of an area municipality or the Regional Corporation as required by this Act.

Distribution  
of electrical  
power

(5) Where, on the 31st day of December, 1970, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until the 1st day of January, 1972, to distribute and sell power within such area.

(6) The members of a public utilities commission or a hydro-electric commission referred to in subsections 2, 3 and 4 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until the 1st day of January, 1972, and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Members of  
commissions  
continued in  
office

(7) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection 4, are hereby dissolved on the 1st day of January, 1971, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission.

Commissions  
dissolved

(8) A person who is a member of a commission referred to in this section is not disqualified under clause *h* of subsection 1 of section 35 of *The Municipal Act* to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Members of  
commission  
not disqual-  
ified as  
members of  
Council  
R.S.O. 1960,  
c. 249

**179.** The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Recreation  
and parks  
manage-  
ment board

R.S.O. 1960,  
cc 94, 60

**180.**—(1) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act* and section 84 of *The Separate Schools Act*,

Election  
R.S.O. 1960,  
cc. 362, 368

- (a) the polling day for the members of The York County Board of Education and of The York County Roman Catholic Separate School Board in the year 1970 shall be the 5th day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area; and
- (b) the Minister shall by order fix the days, times and places for the nomination of candidates for The York County Board of Education and for The York County Roman Catholic Separate School Board in the year 1970 and provide for the holding of the nomination meetings,

R.S.O. 1960,  
cc. 362, 368

and otherwise the provisions of *The Secondary Schools and Boards of Education Act* apply to the election of the members of The York County Board of Education and the provisions of *The Separate Schools Act* apply to the election of the members of The York County Roman Catholic Separate School Board.

Idem

(2) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act* and section 84 of *The Separate Schools Act*, any reference in such sections to the 1st day of September shall be considered to be a reference to the 1st day of August, and, subject to subsection 1, all other dates in such sections shall be advanced by thirty days.

Application  
of R.S.O.  
1960, c. 249,  
s. 245

**181.**—(1) Section 245 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1970.

Deemed  
townships  
under  
R.S.O. 1960,  
c. 249, s. 394

(2) The area municipalities of Aurora, Markham, Newmarket, Richmond Hill, Vaughan and Whitchurch-Stouffville shall be deemed to be townships for the purposes of paragraphs 1, 2, 3 and 4 of section 394 of *The Municipal Act*.

Expendi-  
tures of  
Regional  
Corporation  
during 1970

**182.** The expenditures of the Regional Corporation during the year 1970, as approved by the Department, shall be paid out of the Consolidated Revenue Fund.

Commence-  
ment of Part

**183.**—(1) This Part comes into force on the day this Act receives Royal Assent.

Idem

(2) Section 1 comes into force on the day this Act receives Royal Assent.

Short title

**184.** This Act may be cited as *The Regional Municipality of York Act, 1970*.

FORM 1

(Section 10 (6) )

OATH OF ALLEGIANCE

I, ....., having been elected (or appointed) as chairman of the council of The Regional Municipality of York, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

FORM 2

(Section 10 (6) )

DECLARATION OF QUALIFICATION BY CHAIRMAN

I, ....., having been elected (or appointed) as chairman of the council of The Regional Municipality of York declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of twenty-one years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of York or any local board thereof or any area municipality or local board thereof.
5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.



## CHAPTER 51

## An Act to amend The Succession Duty Act

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Succession Duty Act*, as amended by section 1 of *The Succession Duty Amendment Act, 1962-63*, section 1 of *The Succession Duty Amendment Act, 1964* and section 1 of *The Succession Duty Amendment Act, 1965*, is further amended by adding thereto the following clause:

R.S.O. 1960,  
c. 386, s. 1,  
amended

(da) “common law wife” means a woman who establishes to the satisfaction of the Minister that she had, for a number of years immediately prior to the death of the deceased with whom she had been residing, been publicly represented by the deceased as his wife, and “common law husband” has a corresponding meaning.

(2) Subclause iv of clause *j* of the said section 1 is amended by striking out “husband or wife” and inserting in lieu thereof “spouse”, so that the subclause shall read as follows:

R.S.O. 1960,  
c. 386, s. 1,  
cl. *j*,  
subcl. iv,  
amended

(iv) the spouse of the deceased.

(3) Subclause vii of clause *j* of the said section 1 is amended by striking out “husband or wife” in the second line and inserting in lieu thereof “spouse”, so that the subclause shall read as follows:

R.S.O. 1960,  
c. 386, s. 1,  
cl. *j*,  
subcl. vii,  
amended

(vii) the father, mother or any brother or sister of the spouse of the deceased or any lawful descendant of any such brother or sister, or

. . . . .

(4) The said section 1 is further amended by adding thereto the following clause:

R.S.O. 1960,  
c. 386, s. 1,  
amended

(ja) “Minister” means the Minister of Revenue.

R.S.O. 1960, c. 386, s. 1, cl. *p*, subcl. 1, amended (5) Subclause i of clause *p* of the said section 1 is amended by striking out "Treasurer" in the fifth line and inserting in lieu thereof "Minister".

R.S.O. 1960, c. 386, s. 1, cl. *p*, subcl. xi, amended (6) Subclause xi of clause *p* of the said section 1 is amended by striking out "wife or husband" in the second line and inserting in lieu thereof "spouse", so that the subclause shall read as follows:

(xi) any right, interest or estate in dower or by curtesy to which the spouse of the deceased may be entitled.

R.S.O. 1960, c. 386, s. 1, amended (7) The said section 1 is further amended by adding thereto the following clause:

(*ra*) "spouse" includes a common law wife or common law husband.

R.S.O. 1960, c. 386, s. 3, amended 2.—(1) Section 3 of *The Succession Duty Act* is amended by adding thereto the following subsection:

Re-assessment in the event of death, etc., of annuitant within 4 years

(4*a*) Where there has been included in computing the aggregate and dutiable value of the property passing on the death of the deceased an amount in respect of an income right, annuity, term of years, life or other similar estate or interest in expectancy, hereinafter in this subsection referred to as a "terminable interest", the value of which was ascertained in accordance with prescribed standards as to rate of interest and mortality of any person, and, at any time within four years after the death of the deceased, an event has occurred, whether the death or marriage of that person or otherwise, as a result of which that terminable interest has terminated, the Minister shall, upon application made to him within one year after the occurrence of that event, in any case where,

(*a*) the aggregate and dutiable value, otherwise determined under this Act, of the property passing on the death of the deceased,

exceeds,

(*b*) the amount that would be the aggregate and dutiable value of the property passing on the death of the deceased if the value of that terminable interest had been ascertained in accordance with a duration of life of that person that assumed the death of that person at the time of the occurrence of the event resulting in the termination of the interest,

reassess the duty payable under this Act in respect of the death of the deceased, as though the aggregate and dutiable value of the property passing on the death of the deceased were the amount determined under clause *b*.

(2) Clause *e* of subsection 5 of the said section 3 is amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 386, s. 3,  
subs. 5,  
cl. *e*,  
amended

**3.**—(1) Clause *c* of subsection 1 of section 5 of *The Succession Duty Act*, as amended by subsection 1 of section 3 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the ninth line and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *c*,  
amended

(2) Clause *d* of subsection 1 of the said section 5, as amended by subsection 1 of section 3 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the eighth line and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *d*,  
amended

(3) Clause *e* of subsection 1 of the said section 5, as amended by section 1 of *The Succession Duty Amendment Act, 1960-61*, is further amended by inserting after "Act" in the amendment of 1960-61 "1968". R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *e*,  
amended

(4) Clause *f* of subsection 1 of the said section 5 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *f*,  
amended

(5) Clause *h* of subsection 1 of the said section 5 is amended by striking out "wife" in the fifth line and inserting in lieu thereof "spouse". R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *h*,  
amended

(6) Clause *j* of subsection 1 of the said section 5 is amended by striking out "Treasurer" in the sixth line and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *j*,  
amended

(7) Subsection 2 of the said section 5 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 386, s. 5,  
subs. 2,  
amended

**4.**—(1) Subsection 1 of section 7 of *The Succession Duty Act* is amended by striking out "husband, wife" in the third line and in the fifth and sixth lines and inserting in lieu thereof in each instance "spouse". R.S.O. 1960,  
c. 386, s. 7,  
subs. 1,  
amended

(2) Clause *a* of subsection 8 of the said section 7 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. *a*,  
re-enacted

(a) “dependant” means,

(i) the spouse of the deceased, or

(ii) a dependent child of the deceased.

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. b,  
subcls. i, ii,  
re-enacted;  
subcls. iii,  
iv, repealed

(3) Subclauses i, ii, iii and iv of clause *b* of subsection 8 of the said section 7, as amended by clauses *a*, *b*, *c* and *d*, respectively, of subsection 1 of section 1 of *The Succession Duty Amendment Act, 1966*, are repealed and the following substituted therefor:

(i) where the deceased is survived by a spouse and no dependent children, \$125,000,

(ii) where the deceased is survived by a spouse and a dependent child or children, an amount equal to the sum of \$125,000 and \$15,000 for each dependent child.

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. *ca*  
(1962-63,  
c. 135, s. 3,  
subs. 6),  
amended

(4) Clause *ca* of subsection 8 of the said section 7, as enacted by subsection 6 of section 3 of *The Succession Duty Amendment Act, 1962-63*, is amended by striking out “wife” in the second line and inserting in lieu thereof “spouse” and by striking out “her” in the third line and inserting in lieu thereof “the”, so that the clause shall read as follows:

(*ca*) “increased individual dependant reduction”, in the case of the spouse of the deceased, means the sum of the amount of the individual dependant reduction and the amount of the individual dependant reduction of each dependent child in whose case the sum of the value of the property passing on the death of the deceased to him or for his benefit and of the value of all dispositions to him that do not come within clause *g* of subsection 1 of section 5 does not exceed the amount of his individual dependant allowance.

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. *cb*  
(1962-63,  
c. 135, s. 3,  
subs. 6),  
amended

(5) Clause *cb* of subsection 8 of the said section 7, as enacted by subsection 6 of section 3 of *The Succession Duty Amendment Act, 1962-63*, is amended by striking out “wife” in the third line and inserting in lieu thereof “spouse”.

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. *d*,  
subcls. i, ii,  
re-enacted;  
subcl. iii,  
repealed

(6) Subclauses i, ii and iii of clause *d* of subsection 8 of the said section 7, as amended by clauses *a*, *b* and *c*, respectively, of subsection 2 of section 1 of *The Succession Duty Amendment Act, 1966*, are repealed and the following substituted therefor:

(i) in the case of the spouse of the deceased, \$125,000,

(ii)

- (ii) in the case of a dependent child of the deceased where the deceased is survived by a spouse, \$15,000, or

. . . . .

- (7) Clause *e* of subsection 8 of the said section 7 is repealed.

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. *e*,  
repealed

**5.**—(1) Subsection 1 of section 10 of *The Succession Duty Act*, as amended by subsection 1 of section 4 of *The Succession Duty Amendment Act, 1962-63* and section 3 of *The Succession Duty Amendment Act, 1964*, is further amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 10,  
subs. 1,  
amended

- (2) The said section 10 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 386, s. 10,  
amended

- (1a) Notwithstanding subsection 1, a corporation having a head office in Ontario may transfer shares registered in the name of the deceased without the consent of the Minister provided that, Exception

(a) the deceased died domiciled and resident outside Ontario;

(b) the certificates for the said shares were at the time of the death of the deceased physically situate outside Ontario; and

(c) the transfer will be effected at a place of transfer outside Ontario where the corporation maintains an agency for the transfer of its shares.

- (3) Subsection 2 of the said section 10, as re-enacted by section 1 of *The Succession Duty Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 386, s. 10,  
subs. 2  
(1961-62,  
c. 133, s. 1),  
re-enacted

- (2) Notwithstanding anything in this Act, any insurance company may, without the consent of the Minister, Payment of  
insurance  
without  
consent

(a) make payment not exceeding \$11,500 to the spouse of the deceased; and

(b) make payment not exceeding \$2,500 in the aggregate to any other person or persons,

due under any contract or contracts of insurance mentioned in subsection 1, and where any such payment exceeds \$900, notice of such payment shall be transmitted forthwith to the Minister.

R.S.O. 1960,  
c. 386, s. 10,  
subs. 3,  
amended

(4) Subsection 3 of the said section 10, as amended by subsection 2 of section 4 of *The Succession Duty Amendment Act, 1962-63*, is further amended by striking out "Treasurer" in the fifth line and in the eighth line and inserting in lieu thereof in each instance "Minister", and by striking out "\$5,000" in the amendment of 1962-63 and inserting in lieu thereof "\$11,500".

R.S.O. 1960,  
c. 386, s. 10,  
subs. 4,  
amended

(5) Subsection 4 of the said section 10, as amended by section 4 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the seventh line and in the eighth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 10,  
subs. 5,  
amended

(6) Subsection 5 of the said section 10 is amended by striking out "Treasurer" in the sixth line and in the seventh line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 11,  
subs. 1,  
amended

**6.** Subsection 1 of section 11 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 13,  
subs. 1,  
amended

**7.—**(1) Subsection 1 of section 13 of *The Succession Duty Act* is amended by striking out "Treasurer" where it appears in the sixth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 13,  
subs. 2,  
amended

(2) Subsection 2 of the said section 13 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 13,  
subs. 3,  
amended

(3) Subsection 3 of the said section 13 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 14,  
subs. 1,  
amended

**8.—**(1) Subsection 1 of section 14 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 14,  
subs. 2,  
amended

(2) Subsection 2 of the said section 14 is amended by striking out "Treasurer" in the second line and in the eleventh line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 15,  
subs. 4,  
re-enacted

**9.** Subsection 4 of section 15 of *The Succession Duty Act* is repealed and the following substituted therefor:

Interest  
on cash  
security

(4) The Treasurer may allow interest at a rate prescribed by the regulations upon the amount by which any cash security from time to time exceeds the amount of duty that has become payable.

**10.** Subsection 6 of section 16 of *The Succession Duty Act*, as amended by subsection 2 of section 3 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 16,  
subs. 6,  
amended

**11.—**(1) Subsection 1 of section 17 of *The Succession Duty Act*, as amended by subsection 1 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the third line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 386, s. 17,  
subs. 1,  
amended

- (1) If the duty mentioned in subsection 1 of section 16, or any part thereof, is not paid within the time provided therein, interest at the rate prescribed by the regulations calculated from the date when such duty became payable shall be charged and paid on the amount from time to time unpaid.

Interest  
on duty in  
s. 16,  
subs. 1

(2) Subsection 2 of the said section 17, as amended by subsection 2 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the third line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 386, s. 17,  
subs. 2,  
amended

- (2) If any instalment of duty mentioned in subsection 2 of section 16, or any part thereof, is not paid within the times provided therein, interest at the rate prescribed by the regulations calculated from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid.

Interest  
on duty in  
s. 16, subs. 2

(3) Subsection 3 of the said section 17, as amended by subsection 3 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the fourth line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 386, s. 17,  
subs. 3,  
amended

- (3) If the duty mentioned in subsection 5 of section 16, or any part thereof, is not paid within three months after the interest in expectancy falls into possession, interest at the rate prescribed by the regulations calculated from the date when such duty became payable shall be charged and paid on the amount from time to time unpaid.

Interest  
on duty in  
s. 16, subs. 5

R.S.O. 1960,  
c. 386, s. 17,  
subs. 4,  
amended

(4) Subsection 4 of the said section 17, as amended by subsection 4 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the third line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

Interest  
on duty in  
s. 16, subs. 7

(4) If any instalment of duty mentioned in subsection 7 of section 16, or any part thereof, is not paid within the times provided therein, interest at the rate prescribed by the regulations calculated from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid.

R.S.O. 1960,  
c. 386, s. 21,  
subs. 3,  
amended

**12.** Subsection 3 of section 21 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 22,  
amended

**13.** Section 22 of *The Succession Duty Act* is amended by striking out "not exceeding 3 per cent per annum" in the third line and inserting in lieu thereof "prescribed by the regulations calculated", so that the section shall read as follows:

Interest  
allowed on  
prepayments

22. Where any duty is paid before the time provided for payment thereof, the Treasurer may allow interest upon the amount so paid at a rate prescribed by the regulations calculated from the time of payment until the time so provided for payment.

R.S.O. 1960,  
c. 386, s. 23,  
amended

**14.** Section 23 of *The Succession Duty Act* is amended by striking out "Lieutenant Governor in Council" in the first line and inserting in lieu thereof "Minister", so that the section shall read as follows:

Extension  
of time by  
Minister

23. The Minister, upon proof to his satisfaction that payment of duty within the time provided for payment thereof would be unduly onerous, may extend the time for payment to such date and upon such terms as he may deem proper.

R.S.O. 1960,  
c. 386, s. 24,  
re-enacted

**15.** Section 24 of *The Succession Duty Act*, as amended by section 5 of *The Succession Duty Amendment Act, 1965*, is repealed and the following substituted therefor:

Duty over-  
paid to be  
refunded in  
certain cases

24. The Treasurer, upon proof to the satisfaction of the Minister that an overpayment of duty has been made, may refund the amount of such overpayment together with interest thereon at a rate prescribed by

the regulations calculated from the date of the making of such overpayment to the date on which such amount is refunded, provided that no such refund shall be made after the expiration of four years from the receipt by the Treasurer of an amount purporting to be in full settlement of duty.

**16.**—(1) Subsection 1 of section 27 of *The Succession Duty Act* is amended by striking out “Treasurer” in the first line and inserting in lieu thereof “Minister”. R.S.O. 1960, c. 386, s. 27, subs. 1, amended

(2) Subsection 2 of the said section 27 is amended by striking out “Treasurer” in the first line and in the eighth line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960, c. 386, s. 27, subs. 2, amended

(3) Subsection 4 of the said section 27 is amended by striking out “Treasurer” in the first line and in the fifth line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960, c. 386, s. 27, subs. 4, amended

**17.**—(1) Subsection 1 of section 28 of *The Succession Duty Act* is amended by striking out “Treasurer” in the first line and in the eighth line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960, c. 386, s. 28, subs. 1, amended

(2) Subsection 6 of the said section 28 is amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”. R.S.O. 1960, c. 386, s. 28, subs. 6, amended

(3) Subsection 7 of the said section 28 is amended by striking out “Treasurer” in the third line and in the fourth line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960, c. 386, s. 28, subs. 7, amended

**18.** Section 29 of *The Succession Duty Act* is repealed. R.S.O. 1960, c. 386, s. 29, repealed

**19.** Subsection 1 of section 30 of *The Succession Duty Act* is amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”. R.S.O. 1960, c. 386, s. 30, subs. 1, amended

**20.** Section 31 of *The Succession Duty Act* is amended by striking out “Treasurer” in the first line, where it appears in the second line and in the third line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960, c. 386, s. 31, amended

**21.** Section 32 of *The Succession Duty Act* is amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”. R.S.O. 1960, c. 386, s. 32, amended

**22.**—(1) Subsection 1 of section 33 of *The Succession Duty Act* is amended by striking out “Treasurer” in the first line and in the thirty-fourth line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960, c. 386, s. 33, subs. 1, amended

R.S.O. 1960,  
c. 386, s. 33,  
subs. 2,  
amended

(2) Subsection 2 of the said section 33 is amended by striking out "Treasurer" in the first line and in the fourth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 33,  
subs. 3,  
amended

(3) Subsection 3 of the said section 33 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 1,  
amended

**23.**—(1) Subsection 1 of section 34 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 2,  
amended

(2) Subsection 2 of the said section 34 is amended by striking out "Treasurer" in the first and second lines and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 3,  
amended

(3) Subsection 3 of the said section 34, as amended by section 6 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 4,  
amended

(4) Subsection 4 of the said section 34 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 5,  
amended

(5) Subsection 5 of the said section 34 is amended by striking out "Treasurer's" in the first line and inserting in lieu thereof "Minister's" and by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 6,  
amended

(6) Subsection 6 of the said section 34 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 7,  
amended

(7) Subsection 7 of the said section 34 is amended by striking out "Treasurer" where it appears the second time in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 8,  
amended

(8) Subsection 8 of the said section 34 is amended by striking out "Treasurer" in the third and fourth lines and in the fourteenth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 9,  
amended

(9) Subsection 9 of the said section 34 is amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 10,  
amended

(10) Subsection 10 of the said section 34 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

(11) Subsection 12 of the said section 34 is amended by striking out "Lieutenant Governor in Council" in the sixth and seventh lines and inserting in lieu thereof "Treasurer" and by striking out "not exceeding 3 per cent per annum" in the ninth and tenth lines and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 386, s. 34,  
subs. 12,  
amended

- (12) Every judgment or order given or made in any such cause may be enforced in the same manner and by the like process as a judgment or order given or made in an action in the Supreme Court and if as the result of any order or judgment it appears that the appellant has overpaid the amount of duty, interest or penalties payable by him, the Treasurer shall, subject to any order as to costs, refund the amount of the overpayment to the appellant together with interest thereon at a rate prescribed by the regulations calculated from the date of the making of the overpayment to the date on which the amount is refunded.

Enforcement  
of judgment  
or order

(12) Subsection 13 of the said section 34 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 13,  
amended

(13) Subsection 14 of the said section 34 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister of Revenue".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 14,  
amended

**24.**—(1) Subsection 1 of section 35 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and in the sixth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 35,  
subs. 1,  
amended

(2) Subsection 2 of the said section 35 is amended by striking out "Treasurer" in the fourth line, in the sixth line, in the eighth line, in the ninth line and in the twelfth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 35,  
subs. 2,  
amended

**25.**—(1) Subsection 1 of section 36 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 36,  
subs. 1,  
amended

(2) Subsection 2 of the said section 36 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 36,  
subs. 2,  
amended

(3) Subsection 3 of the said section 36 is amended by striking out "Treasurer" in the third line and in the fifth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 36,  
subs. 3,  
amended

R.S.O. 1960,  
c. 386, s. 37,  
subs. 1,  
amended

**26.**—(1) Subsection 1 of section 37 of *The Succession Duty Act* is amended by striking out “Treasurer” in the second line and in the eleventh line and inserting in lieu thereof in each instance “Minister”.

R.S.O. 1960,  
c. 386, s. 37,  
subs. 2,  
amended

(2) Subsection 2 of the said section 37 is amended by striking out “Treasurer” in the tenth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 37,  
subs. 3,  
amended

(3) Subsection 3 of the said section 37 is amended by striking out “Treasurer” in the second line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 38,  
amended

**27.** Section 38 of *The Succession Duty Act* is amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 39,  
amended

**28.** Section 39 of *The Succession Duty Act* is amended by striking out “Treasurer” in the fifth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 41,  
amended

**29.** Section 41 of *The Succession Duty Act* is amended by striking out “Treasurer” in the fifth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 42,  
amended

**30.** Section 42 of *The Succession Duty Act* is amended by striking out “Treasurer” in the third line and in the eighth line and inserting in lieu thereof in each instance “Minister”.

R.S.O. 1960,  
c. 386, s. 43,  
amended

**31.** Section 43 of *The Succession Duty Act* is amended by striking out “Treasurer” in the second line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 44,  
repealed

**32.** Section 44 of *The Succession Duty Act* is repealed.

R.S.O. 1960,  
c. 386, s. 45,  
subs. 1,  
amended

**33.**—(1) Subsection 1 of section 45 of *The Succession Duty Act* is amended by striking out “Treasurer” in the second line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 45,  
subs. 2,  
amended

(2) Subsection 2 of the said section 45 is amended by striking out “Lieutenant Governor in Council” in the sixth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 46,  
amended

**34.** Section 46 of *The Succession Duty Act* is amended by adding thereto the following clauses:

(ba) prescribing the rates of interest for purposes of this Act;

(bb)

- (bb) authorizing or requiring the Deputy Minister or any other officer of the Department of Revenue to exercise any power or perform any duty conferred or imposed upon the Minister by this Act.

**35.** Section 47 of *The Succession Duty Act* is amended by R.S.O. 1960,  
c. 386, s. 47,  
amended striking out "Lieutenant Governor in Council" in the fourth and fifth lines and inserting in lieu thereof "Minister".

**36.** Section 48 of *The Succession Duty Act* is repealed. R.S.O. 1960,  
c. 386, s. 48,  
repealed

**37.**—(1) This Act, except subsections 1, 2, 3, 6 and 7 of Commence-  
ment section 1, subsection 1 of section 2, subsection 5 of section 3, sections 4, 9, 11, 13 and 15, subsection 11 of section 23, and section 32 comes into force on the day it receives Royal Assent.

(2) Subsections 1, 2, 3, 6 and 7 of section 1, subsection 1 Idem of section 2, subsection 5 of section 3, and section 4 shall be deemed to have come into force on the 1st day of April, 1970.

(3) Sections 9, 11, 13 and 15, subsection 11 of section 23, and Idem section 32 come into force on the 1st day of July, 1970.

**38.** This Act may be cited as *The Succession Duty Amend- Short title  
ment Act, 1970.*



## CHAPTER 52

## An Act to amend The Athletics Control Act

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Athletics Control Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 26,  
amended

3a.—(1) The Commissioner may issue licences under this Act and the regulations. Functions of  
Commis-  
sioner

(2) The Commissioner shall assist, promote and encourage amateur sport in community centres under *The Community Centres Act* and associations of amateur sportsmen. Idem  
R.S.O. 1960,  
c. 60

(3) The Commissioner is responsible for the supervision of professional contests and exhibitions and, under the direction and control of the Minister, shall assist in the administration of this Act and the regulations. Idem

**2.** Section 6 of *The Athletics Control Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 26, s. 6,  
re-enacted

6. The Minister may direct the Commissioner or any other person to hold an investigation, Investiga-  
tions

(a) where a branch of the Amateur Athletic Union of Canada in Ontario or a league, body or person connected with amateur sport operating in Ontario requests the Minister to cause an investigation to be held into any matter that the branch, league, body or person considers should be investigated in the interest of amateur sport in Ontario; or

(b) upon any matter that is deemed by the Minister to be in the public interest.

R.S.O. 1960,  
c. 26, s. 11,  
subs. 1, cl. a,  
amended

**3.** Clause *a* of subsection 1 of section 11 of *The Athletics Control Act* is amended by inserting after "by" in the second line "this Act or", so that the clause shall read as follows:

(a) delegate to any person any of the powers or duties conferred or imposed upon him by this Act or the regulations.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Athletics Control Amendment Act, 1970*.

## CHAPTER 53

**An Act to amend  
The Regional Municipality of Ottawa-Carleton  
Act, 1968**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 3 of section 2 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed and the following substituted therefor:

1968, c. 115,  
s. 2, subs. 3,  
re-enacted

- (3) On and after the 1st day of July, 1970, the Regional Area shall continue to be deemed a county for all judicial purposes and shall for such purposes be known and designated as the Judicial District of Ottawa-Carleton.

Judicial  
District of  
Ottawa-  
Carleton

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The Regional Municipality of Ottawa-Carleton Amendment Act, 1970*.

Short title



## CHAPTER 54

## An Act to amend The Mortgages Act

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Mortgages Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 245, s. 20,  
re-enacted

20.—(1) Notwithstanding any agreement to the contrary, where default has occurred in making any payment of principal or interest due under a mortgage or in the observance of any covenant in a mortgage and under the terms of the mortgage, by reason of such default, the whole principal and interest secured thereby has become due and payable,

- (a) at any time before sale under the mortgage; or
- (b) before the commencement of an action for the enforcement of the rights of the mortgagee or of any person claiming through or under him,

the mortgagor may perform such covenant or pay the amount due under the mortgage, exclusive of the money not payable by reason merely of lapse of time, and pay any expenses necessarily incurred by the mortgagee, and thereupon he is relieved from the consequences of such default.

- (2) The mortgagor may, by a notice in writing, require the mortgagee to furnish him with a statement in writing, Statement  
of arrears,  
expenses,  
etc.
  - (a) of the amount of the principal or interest with respect to which the mortgagor is in default; or
  - (b) of the nature of the default or the non-observance of the covenant,

and

and of the amount of any expenses necessarily incurred by the mortgagee.

*Idem*

- (3) The mortgagee shall answer a notice given under subsection 2 within fifteen days after he receives it, and, if without reasonable excuse he fails so to do or his answer is incomplete or incorrect, any rights that he may have to enforce the mortgage shall be suspended until he has complied with subsection 2.

Relief  
after  
action  
commenced

- 20a.—(1) Notwithstanding any agreement to the contrary, where default has occurred in making any payment of principal or interest due under a mortgage or in the observance of any covenant in a mortgage and under the terms of the mortgage, by reason of such default, the whole principal and interest secured thereby has become due and payable, in an action for enforcement of the rights of the mortgagee or of any person claiming through or under him, the mortgagor, upon payment into court of the sum of \$100 to the credit of the action as security for costs, may apply to the court and, conditional upon performance of such covenant or upon payment of the money due under the mortgage, exclusive of the money not payable by reason merely of lapse of time, and upon payment of the costs of the action, the court,

- (a) shall dismiss the action if judgment has not been recovered; or
- (b) may stay proceedings in the action, if judgment has been recovered and if no sale or recovery of possession of the land or final foreclosure of the equity of redemption has taken place.

*Idem*

- (2) Notwithstanding clause *b* of subsection 1, where judgment has been recovered and recovery of possession of the land has taken place, the court may stay proceedings in the action upon the application of a person added as a party in the master's office, made under subsection 1 within ten days after service of notice of the judgment has been made upon him.

Subsequent  
default

- (3) Where proceedings have been stayed under clause *b* of subsection 1 or under subsection 2 and default again occurs under the mortgage, the court upon application may remove the stay.

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

**3.** This Act may be cited as *The Mortgages Amendment Act, 1970*. <sup>Short title</sup>



## CHAPTER 55

## An Act to amend The Legal Aid Act, 1966

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Legal Aid Act, 1966* is amended by adding thereto the following section: 1966, c. 80, amended

- 17a.—(1) Where a person who owns or has any interest in any land in Ontario has agreed to contribute towards the cost of legal aid given to him as set out in his certificate, the area director who issued the certificate may deliver or transmit a certificate of lien in duplicate in the form prescribed by the regulations to the sheriff of the county or district in which the land mentioned therein is situate and, if the area director does so, he shall also deliver or transmit a copy thereof to the Director. Delivery of certificate of lien to sheriff
- (2) Upon receipt of a certificate of lien under subsection 1, the sheriff shall, without fee, endorse thereon the day of the year, the month, the hour and the minute of its receipt and shall enter in an alphabetically-arranged index book kept for the purpose the name of the contributor shown on the certificate. Endorsement and entry in index book
- (3) As soon as the endorsement and entry have been made under subsection 2 and the land mentioned in the certificate is in the land registry system, the Law Society on behalf of the Fund has a lien against the contributor's land mentioned in the certificate for an amount equal to the amount that he agreed to contribute towards the cost of the legal aid given to him as shown in the certificate, to the extent that such amount remains unpaid from time to time. Lien on land, land registry system
- (4) As soon as the endorsement and entry have been made under subsection 2 and the land mentioned in the certificate is in the land titles system, the sheriff Delivery of copy to master of titles

shall

shall deliver or transmit to the proper master of titles a copy of the certificate, and the master of titles, upon receipt of the copy of the certificate, shall, without fee, endorse thereon the day of the year, the month, the hour and the minute of its receipt and shall enter in an alphabetically-arranged index book kept for the purpose the name of the contributor shown on the certificate.

Lien on  
land,  
land titles  
system

- (5) As soon as the endorsement and entry have been made under subsection 4, the Law Society on behalf of the Fund has a lien against the contributor's land mentioned in the certificate for an amount equal to the amount that he agreed to contribute towards the cost of the legal aid given to him as shown in the certificate, to the extent that such amount remains unpaid from time to time.

Execution  
certificates

- (6) Where a certificate respecting execution against land is required from a sheriff or master of titles, he shall, without additional fee, include in the execution certificate a statement as to whether there is a name shown in the index book mentioned in subsection 2 or 4, as the case may be, that is the same as the name shown on the certificate.

Discharge  
of lien

- (7) As soon as a contributor has discharged his obligation to contribute towards the cost of the legal aid given to him, the lien mentioned in this section is discharged, and the Director shall deliver or transmit a certificate of discharge in duplicate in the form prescribed by the regulations to the sheriff to whom the certificate of lien was delivered or transmitted.

Duty of  
sheriff

- (8) Upon receipt of a certificate of discharge, the sheriff shall attach the certificate of discharge to the proper certificate of lien and strike the name of the contributor from the index book kept pursuant to subsection 2.

Duty of  
master of  
titles

- (9) Where the land mentioned in a certificate of discharge is under the land titles system, the sheriff, upon receipt of a certificate of discharge, shall deliver or transmit to the proper master of titles a copy of the certificate of discharge and, upon receipt of the copy of the certificate of discharge, the master of titles shall attach the copy of the certificate of discharge to the proper certificate of lien and strike the name of the contributor from the index book kept pursuant to subsection 4.

2. Section 18 of *The Legal Aid Act, 1966*, as re-enacted by 1966, c. 80, s. 18, section 7 of *The Legal Aid Amendment Act, 1968-69*, is repealed (1968-69, c. 60, s. 7), re-enacted and the following substituted therefor:

18. The costs awarded in any order heretofore or hereafter made in favour of a person to whom legal aid has been given are recoverable in the same manner and to the same extent as though awarded to a person to whom legal aid has not been given notwithstanding that no amount has been paid or is or will be payable for costs by such legally-aided person in whose favour the order is made or that costs so ordered are in excess of the total amount paid or payable for costs by such legally-aided person, and all costs paid or payable to such legally-aided person pursuant to any such order are the property of the Law Society and shall be paid into the Fund. <sup>Costs</sup>

3. Section 21 of *The Legal Aid Act, 1966*, as re-enacted by 1966, c. 80, s. 21, section 8 of *The Legal Aid Amendment Act, 1968-69*, is (1968-69, c. 60, s. 8), amended by adding thereto the following subsections: <sup>amended</sup>

(2) An appeal lies in accordance with the regulations to the Taxing Officer at Toronto from the certificate of a person designated for the purposes of clause *k* of subsection 1 of section 24. <sup>Appeals</sup>

(3) A further appeal lies in accordance with the regulations to a judge of the High Court from the decision of the Taxing Officer and the order of the judge disposing of the appeal is final. <sup>Further appeal</sup>

4.—(1) Clause *k* of subsection 1 of section 24 of *The Legal Aid Act, 1966* is amended by striking out “and for an appeal therefrom” in the third line. <sup>1966, c. 80, s. 24, subs. 1, cl. *k*, amended</sup>

(2) Subsection 1 of the said section 24, as amended by subsections 1, 2, 3 and 4 of section 11 of *The Legal Aid Amendment Act, 1968-69*, is further amended by adding thereto the following clause: <sup>1966, c. 80, s. 24, subs. 1, amended</sup>

(*ka*) respecting appeals under sections 14, 16 and 21.

5. This Act comes into force on the day it receives Royal Assent.\* <sup>Commencement</sup>

6. This Act may be cited as *The Legal Aid Amendment Act, 1970*. <sup>Short title</sup>



## CHAPTER 56

## An Act to amend The Municipal Act

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part XXV of *The Municipal Act*, as enacted by section 31 of *The Municipal Amendment Act, 1968-69*, is amended by adding thereto the following section:

R.S.O. 1960,  
c. 249, Pt.  
XXV  
(1968-69,  
c. 74, s. 31),  
amended

526a.—(1) Notwithstanding section 526, where taxes in a municipality on any lands in the municipality increase in any year in an amount exceeding 10 per cent of the taxes imposed on such lands in the preceding year, based on the same expenditures on which the levy was made in the preceding year, as a result of a different assessment generally of lands in the municipality, the municipality may apply to the Minister to be designated as a municipality to which this section applies.

Limiting  
increase  
in taxes  
following  
change in  
assessment  
basis

- (2) The council of a municipality designated under subsection 1 may pass a by-law,

By-law

- (a) which shall set forth the amount of the increase or decrease in taxation on each separately assessed parcel of rateable property in the municipality resulting from the assessment and expenditures mentioned in subsection 1;
- (b) which shall limit the amount of the increases exceeding \$50 in taxation mentioned in clause *a* in the taxes to be levied in each year during a period of not more than five years;
- (c) which shall provide that the total amount of the reduction in taxes resulting from the provision in the by-law authorized by clause *b*

be raised by reducing the amount of the decreases in taxation mentioned in clause *a* or by charging it in whole or in part to the general funds of the municipality or by a combination of both.

Where  
change in  
use or  
character

- (3) When there has been a change in the use or character of any land which, in the opinion of the council, makes any limitation of the increase in taxation of such land under subsection 2 inappropriate, the council may by by-law exclude such land from the application of the by-law passed under subsection 2.

Repeal of  
by-law

- (4) The Minister may order that any by-law passed under this section is no longer effective after a date specified in the order, which date may be retroactive.

Commence-  
ment

**2.** This Act shall be deemed to have come into force on the 1st day of January, 1970.

Short title

**3.** This Act may be cited as *The Municipal Amendment Act, 1970 (No. 2)*.

## CHAPTER 57

**An Act to amend The Assessment Act, 1968-69**

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 2 of section 2 of *The Assessment Act, 1968-69* is amended by adding at the end thereof “and in the absence for any reason of any assessment commissioner, the Minister may appoint an acting assessment commissioner who, while so acting, has all the powers and duties of an assessment commissioner”, so that the subsection shall read as follows:

(2) The Minister may appoint assessment commissioners for assessment regions and in the absence for any reason of any assessment commissioner, the Minister may appoint an acting assessment commissioner who, while so acting, has all the powers and duties of an assessment commissioner.

(2) Subsection 4 of the said section 2 is amended by striking out “1” in the second line and inserting in lieu thereof “2”.

**2.**—(1) Paragraph 5 of subsection 1 of section 17 of *The Assessment Act, 1968-69* is amended by striking out “C C” in the second line and inserting in lieu thereof “C” and by striking out “B S” in the third line and inserting in lieu thereof “B”.

(2) Paragraph 6 of subsection 1 of the said section 17 is amended by striking out “F Sis” in the fifth line and inserting in lieu thereof “S F”.

(3) Clause *a* of subsection 3 of the said section 17 is amended by striking out “C C”, “B S” in the second line and inserting in lieu thereof “C”, “B”.

**3.** Section 23 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

## Census

23. The assessment commissioner shall in each year, on or before the 31st day of October, cause a census to be taken of the inhabitants of each municipality and locality in his region, which shall include such information as may be prescribed by the Lieutenant Governor in Council, and the census for each municipality and locality shall be delivered by the assessment commissioner to the clerk of the municipality or the secretary of each school board in the locality on or before the 1st day of November of the year in which the census is taken.

1968-69, c. 6, s. 28, subs. 9, re-enacted 1968-69

4. Subsection 9 of section 28 of *The Assessment Act*, 1968-69 is repealed and the following substituted therefor:

## Idem

- (9) Where a municipality receives a payment in any year under the regulations made under subsection 8, it shall not assess or tax the profits of any mine or mineral work under subsection 1 or 4 in that year.

1968-69, c. 6, s. 32, subs. 1, amended 1968-69

5. Subsection 1 of section 32 of *The Assessment Act*, 1968-69 is amended by striking out "clause l" in the first line and inserting in lieu thereof "clause k".

1968-69, c. 6, s. 46, subs. 1, re-enacted 1968-69

6.—(1) Subsection 1 of section 46 of *The Assessment Act*, 1968-69 is repealed and the following substituted therefor:

Time for  
yearly  
assessment  
and return  
of roll

- (1) Except as provided in subsections 2 and 4, in every municipality the assessment shall be made yearly at any time between the 1st day of January and the 30th day of September, and the assessment roll of a municipality shall be returned to the clerk not later than the 1st day of October.

1968-69, c. 6, s. 46, subss. 2, 3, re-enacted 1968-69

(2) Subsections 2 and 3 of the said section 46 are repealed and the following substituted therefor:

Assessment  
by areas

- (2) In any year, the assessment may be taken in different areas within a municipality at different times, as determined by the assessment commissioner, and separate assessment rolls shall be prepared for such areas and such rolls may be returned at different times, as determined by the assessment commissioner, but in no case later than the 1st day of October.

Publication  
of notice

- (3) Where the assessment commissioner proceeds under subsection 2, he shall cause to be published not later than the 10th day of February in a daily or weekly newspaper that in his opinion has such circulation

within the municipality as to provide reasonable notice to persons affected thereby, a notice setting forth,

- (a) that the assessment in the municipality will be taken in different areas at different times;
- (b) the different areas to be assessed; and
- (c) the time for assessment and return of the assessment roll in each of the areas,

and shall forthwith deliver a copy of such notice to the clerk of the municipality.

(3) Subsection 4 of the said section 46 is repealed and the following substituted therefor: 1968-69, c. 6,  
s. 46, subss. 4,  
re-enacted

- (4) Where in any year it appears that the assessment roll of a municipality or the assessment roll of an area within a municipality will not or has not been returned to the clerk of the municipality by the 1st day of October, the Minister may extend the time for the return of the assessment roll for such period as appears necessary, provided that, when such an extension is made, the time for closing the Assessment Review Court for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended. Extension of  
time for  
return of roll

**7.** Subsections 1 and 2 of section 47 of *The Assessment Act*, 1968-69 are repealed and the following substituted therefor: 1968-69, c. 6,  
s. 47,  
subss. 1, 2,  
re-enacted

- (1) The yearly assessment roll of a municipality last returned to the clerk, when corrected and revised by the Assessment Review Court and certified by the regional registrar, is for all purposes the last revised assessment roll of the municipality. Last revised  
assessment  
roll
- (2) Where in a municipality no appeals are made to the Assessment Review Court and the time for appealing has elapsed, the assessment roll shall be presented by the clerk to the regional registrar and if he is satisfied that there have been no such appeals he shall certify the roll and the roll, as so certified, is for all purposes the last revised assessment roll of the municipality. Last revised  
assessment  
roll where no  
appeals  
made

**8.** Section 50 of *The Assessment Act*, 1968-69 is amended by adding thereto the following subsections: 1968-69, c. 6,  
s. 50,  
amended

(a)

Accommoda-  
tion for  
court

- (9) Where sittings of the Assessment Review Court are to be held in any municipality, the municipality shall provide a suitable room and other necessary accommodation for holding the court.

Application  
of 1961-62,  
c. 121 to  
members,  
registrar  
and regional  
registrars

- (10) *The Public Service Act, 1961-62*, except sections 4 and 5, applies to the members of the Assessment Review Court and to the registrar of the court and the regional registrars of the court who are employed on a full-time basis.

Application  
of  
R.S.O. 1960,  
c. 332 to  
members,  
registrar  
and  
regional  
registrars

- (11) Part I of *The Public Service Superannuation Act* applies to the members of the Assessment Review Court and to the registrar of the court and the regional registrars of the court who are employed on a full-time basis.

1968-69, c. 6,  
s. 52,  
subs. 14,  
re-enacted

9. Subsection 14 of section 52 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

Notice of  
decision

- (14) When the Assessment Review Court has heard and decided a complaint, the regional registrar shall forthwith after the receipt of the record of the decision from the clerk of the court cause notice thereof to be given,

(a) where the complaint was as to the amount of the assessment, by registered mail; and

(b) in the case of all other complaints, by ordinary mail,

to the persons to whom notice of the hearing of such complaint was given, and such notice shall state thereon that such decision may be appealed to the county judge within fourteen days of the mailing of the notice and shall also contain a list of the persons to whom notice was given under subsection 4.

Notice where  
assessment  
\$50,000 or  
more

- (15) When the Assessment Review Court has heard and decided a complaint and the assessment is in an amount of \$50,000 or more or has been increased by the Assessment Review Court to an amount of \$50,000 or more, the notice under subsection 14 shall also state thereon that, if no appeal is taken to the county judge, such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice.

**10.** Section 53 of *The Assessment Act, 1968-69* is amended <sup>1968-69, c. 6, s. 53, amended</sup> by striking out "and certified by the Assessment Review Court" in the first and second lines and inserting in lieu thereof "by the Assessment Review Court and certified by the regional registrar", so that the section shall read as follows:

53. The roll as finally revised by the Assessment Review Court and certified by the regional registrar shall, <sup>Roll to be binding notwithstanding errors in it or in notice sent to persons assessed</sup> subject to subsections 5 and 6 of section 47, be valid and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect, error or misstatement in the notice required by section 40 or the omission to deliver or transmit such notice, provided that the provisions of this section in so far as they relate to the omission to deliver or transmit such notice do not apply to any person who has given the assessment commissioner the notice provided for in subsection 4 of section 40.

**11.** Subsection 2 of section 55 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor: <sup>1968-69, c. 6, s. 55, subs. 2, re-enacted</sup>

(2) A notice of appeal to the county judge shall, within <sup>Notice of appeal</sup> fourteen days of the mailing of the notice under subsection 14 of section 52, be sent by the party appealing by registered mail to the assessment commissioner, and the assessment commissioner shall immediately transmit such notice to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice was given under such subsection 14.

**12.** Section 56 of *The Assessment Act, 1968-69* is amended <sup>1968-69, c. 6, s. 56, amended</sup> by striking out "Assessment Review Court" in the third and fourth lines and inserting in lieu thereof "regional registrar".

**13.** Subsection 2 of section 62 of *The Assessment Act, 1968-69* is amended by striking out "within fourteen days" <sup>1968-69, c. 6, s. 62, subs. 2, amended</sup> in the second line and inserting in lieu thereof "forthwith" and by striking out "fourteen" in the seventh line and inserting in lieu thereof "twenty-one", so that the subsection shall read as follows:

(2) When the judge has heard and decided an appeal, <sup>Notice of decision</sup> the regional registrar shall, forthwith after receipt of the record of the decision from the clerk of the court, cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing was given and such notice shall

state thereon that such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice.

1968-69, c. 6,  
s. 63, subs. 2,  
amended

**14.** Subsection 2 of section 63 of *The Assessment Act, 1968-69* is amended by striking out "70 or 71" in the third line and inserting in lieu thereof "76 or 77", so that the subsection shall read as follows:

Appeal under  
ss. 42-44,  
76, 77

- (2) An appeal also lies to the Ontario Municipal Board from a decision of the county judge under section 42, 43, 44, 76 or 77.

1968-69, c. 6,  
ss. 71-75,  
re-enacted

**15.** Sections 71, 72, 73, 74 and 75 of *The Assessment Act, 1968-69* are repealed and the following substituted therefor:

Equalized  
assessment  
determi-  
nation

- 71.—(1) The Department shall examine the amounts of the assessments of rateable property in each municipality and locality on the last revised assessment roll of each municipality and locality and determine as nearly as may be what the total of the amounts of the assessment of such rateable property should be so that costs may be apportioned and grants provided on a basis which is just and equitable as between municipalities and localities.

Equalized  
assessment  
and  
equalization  
factor

- (2) The amount so determined under subsection 1 is the equalized assessment of each municipality and locality and the equalization factor of a municipality or locality is the percentage that the total of the amounts of the assessments of rateable property of a municipality or locality is of the equalized assessment of the municipality or locality, but neither the equalized assessment nor equalization factor of a municipality or locality shall be taken into account in the assessment of any land except as provided in this or any other Act.

Publication

- (3) The equalized assessment and equalization factor of each municipality and locality shall be published in *The Ontario Gazette* in each year not later than the 15th day of July.

Review

- (4) On or before the 1st day of November in the year of publication under subsection 3, a municipality or locality may apply to the Ontario Municipal Board for a review of its equalized assessment and equalization factor and the Department may apply for a review of the equalized assessment and equalization

factor of any municipality or locality and the applicant shall give notice in writing by registered mail to the secretary of the Board.

- (5) Upon receipt of a notice of application for review <sup>Hearing</sup> under this section, the secretary of the Ontario Municipal Board shall arrange a time and place for hearing the application and shall send notice thereof by registered mail to the Department and to the clerk of the municipality or the secretary of each school board in the locality concerned at least fourteen days before the hearing.
  - (6) If the equalized assessment and equalization factor <sup>Powers of O.M.B.</sup> under review are not just and equitable, the Ontario Municipal Board, upon the hearing of the application, shall determine a just and equitable equalized assessment and equalization factor.
  - (7) Subsections 8 and 9 of section 63 apply *mutatis* <sup>Appeal</sup> *mutandis* to an application under this section.
  - (8) The decision of the Ontario Municipal Board or the judgment of the Court of Appeal on an application under this section does not affect the equalized assessment and equalization factor of a municipality or locality, as determined under subsection 1 or 2, for the purposes of any provision of any Act where equalized assessments or equalization factors are used in any determination and an appeal therefrom or a review thereof is provided. <sup>Effect of appeal</sup>
- 72.—(1) Subject to subsection 5, the council of a <sup>Apportionment of</sup> county, in apportioning a county rate among the <sup>county rates</sup> different townships, towns and villages within the county, shall apportion 30 per cent of the county rate based upon the equalized assessments under section 71 for the year preceding the year in which the levy for county purposes is to be made together with the amounts determined under subsections 2 and 3 and shall apportion 70 per cent of the county rate in the same proportions as the last apportionment made for county purposes as adjusted by any additional amounts to which the county is entitled under section 43.
- (2) Where, in the year preceding the year in which an apportionment is to be made, a mining municipality has received or becomes entitled to a payment under the regulations made under section 28, an amount <sup>Assessment equivalent of mining revenue payments to be added to equalized assessments</sup> shall be determined by,

(a)

R.S.O. 1960,  
c. 242

(a) multiplying the part of such payment computed with reference to the mine's profits as calculated under section 3 of *The Mining Tax Act* and set out by the mine assessor in the notice or notices of assessment referred to in section 11 of *The Mining Tax Act* in respect of any or all mines or mineral works located in the municipality that was credited to the general funds of the municipality by 1000; and

R.S.O. 1960,  
c. 249

(b) dividing the product obtained under clause *a* by the aggregate of the mill rate for general and county purposes levied in that year by the municipality on the types of assessments mentioned in clauses *a*, *b* and *c* of subsection 2 of section 294 of *The Municipal Act*; and

(c) adjusting the quotient obtained under clause *b* by the application of the equalization factor determined under section 71 for the year preceding the year in which the levy for county purposes is to be made.

Valuations  
on which  
payments in  
lieu of taxes  
paid to be  
added to be  
equalized  
assessments

1943, c. 21

(3) Where, in the year preceding the year in which an apportionment is to be made, a municipality has received or becomes entitled to a payment in lieu of taxes from the Crown in right of Canada, except payments received under an agreement with the Government of Canada authorized by *The Municipal Act* to relieve a tenant or user of land owned by the Crown from taxes or payment for municipal services, or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, except payments received under section 13 of *The Ottawa River Water Powers Act, 1943*, an amount shall be determined by adjusting the valuations of the properties for which such payments are made by the application of the equalization factor determined under section 71 for the year preceding the year in which the levy for county purposes is to be made.

Idem

R.S.C. 1952,  
c. 182

(4) Where payment in lieu of taxes from the Crown in right of Canada has been reduced by deductions made under the *Municipal Grants Act* (Canada), the amount of the valuations of the properties for which such payments are made shall, for the purposes of subsection 3, be reduced in the same proportion as the amount of the grants was reduced.

- (5) On or before the 1st day of October in each year, the council of every county shall examine for every township, town and village the apportionment for the next year that would be produced by the application of subsection 1, and, if such apportionment would not be just and equitable it may by by-law, passed on or before the 1st day of October, make such adjustments as are necessary to make an apportionment for county rates for the next year that is just and equitable and no such by-law shall be repealed or amended. Apportionment by county council
- (6) The assessment commissioner for the municipalities in the county shall provide the county council with such assistance as it may request in making the adjustments mentioned in subsection 5. Assistance by assessment commissioner
- (7) Within ten days of the passing of a by-law under subsection 5, the county clerk shall send a copy of such by-law by registered mail to the clerk of each municipality. Copy of by-law to clerks
- 73.—(1) Any township, town or village that is not satisfied with a by-law passed by the county council under subsection 5 of section 72 or with the failure of the council to pass such a by-law may appeal to the Ontario Municipal Board from the decision of the council. Appeal
- (2) A notice of appeal to the Ontario Municipal Board shall be sent by the municipality appealing by registered mail to the secretary of the Board, to the clerk of the county council and of every township, town and village in the county within twenty-one days after the copy of the by-law has been mailed under subsection 7 of section 72, or, where such a by-law has not been passed, within twenty-one days from the 1st day of October. Notice
- (3) Upon receipt of a notice of appeal under this section, the secretary of the Ontario Municipal Board shall arrange a time and place for hearing the appeal and shall send notice thereof by registered mail to all parties concerned in the appeal at least fourteen days before the hearing. Hearing
- (4) If the apportionment under appeal is not just and equitable, the Ontario Municipal Board, upon the hearing of the appeal, shall make an apportionment for county rates for the next year that is just and equitable. Powers of O.M.B.

Appeal

- (5) Subsections 8 and 9 of section 63 apply *mutatis mutandis* to an appeal under this section.

Adjustment  
of county  
levy

- (6) Until an appeal under this section is finally disposed of, the council of the county may levy a sum for county purposes in accordance with the decision of the county council made under subsection 5 of section 72 but if, by the decision of the Ontario Municipal Board or by the judgment of the Court of Appeal, an adjustment is required in such levy, the county treasurer shall adjust the levy so made and shall notify the clerk of every township, town and village accordingly.

Adjustment  
of equalized  
assessment

74. Where at any time the boundaries of a municipality or locality are altered or a new municipality is erected, the Ontario Municipal Board shall adjust the equalized assessment determined under section 71 of the municipalities affected.

Adjustment  
of  
apportion-  
ment

75. Where at any time the boundaries of a municipality are altered, a new municipality is erected or a municipality or a part thereof is added to or taken out of a county for municipal purposes, the Ontario Municipal Board shall adjust the apportionment of the county rate mentioned in section 72 of any county that may be affected.

1968-69, c. 6,  
s. 76, subs. 1,  
cl. *e*,  
amended

**16.**—(1) Clause *e* of subsection 1 of section 76 of *The Assessment Act, 1968-69* is amended by inserting after “error” in the second line “that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied”, so that the clause shall read as follows:

- (*e*) who is overcharged by reason of any gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied;  
or

. . . . .

1968-69, c. 6,  
s. 76, subs. 1,  
amended

(2) Subsection 1 of the said section 76 is amended by adding “or” at the end of clause *f* and by adding thereto the following clause:

- (*g*) whose taxes are unduly burdensome by reason of an increase resulting from a different assessment generally of lands within the municipality made in the year 1968 or thereafter.

(3) The said section 76 is amended by adding thereto the following subsections: 1968-69, c. 6, s. 76, amended

(2a) Taxes levied by a municipality shall not be cancelled, reduced or refunded on an application under clause g of subsection 1 unless the application and a maximum amount of taxes that may be cancelled, reduced or refunded has been authorized by a by-law which may be passed by the council of the municipality. Application under cl. g

(2b) Notice of any hearing by the Assessment Review Court under this section shall be given by mail by the regional registrar to the clerk of the municipality and to the applicant not less than fourteen days before the date upon which the application is to be dealt with by the court. Notice of hearing

(4) Subsection 5 of the said section 76 is amended by inserting after "given" in the seventh line "and to the assessment commissioner", so that the subsection shall read as follows: 1968-69, c. 6, s. 76, subs. 5, amended

(5) The Assessment Review Court shall hear and dispose of every application not later than the 31st day of March in the year following the year in respect of which the application is made and the regional registrar shall thereupon cause notice of the decision in such application to be given by mail to the persons to whom notice of the hearing of such application was given and to the assessment commissioner, and such notice shall state thereon that such decision may be appealed to the county judge within fourteen days of the mailing of such notice. Hearing and disposition

**17.** Subsection 1 of section 77 of *The Assessment Act*, 1968-69 is amended by inserting after "error" in the fifth line "that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied", so that the subsection shall read as follows: 1968-69, c. 6, s. 77, subs. 1, amended

(1) An application may be made by or on behalf of the municipal corporation to the Assessment Review Court for an increase in the taxes levied in the year in which the application is made with respect to any person who is undercharged by reason of any gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the Application for increase of taxes where gross error

assessment upon which the taxes have been levied, by filing notice of the application with the regional registrar.

1968-69, c. 6, s. 85, amended  
R.S.O. 1960, c. 260  
1968, c. 115

**18.** Section 85 of *The Assessment Act, 1968-69* is amended by adding at the end thereof "and, for the purposes of this section, the sections of *The Municipality of Metropolitan Toronto Act* repealed by paragraphs 10, 11 and 12 of section 83 and the sections of *The Regional Municipality of Ottawa-Carleton Act, 1968* repealed by paragraph 13 of section 83 continue in force."

1968-69, c. 6, s. 87, subs. 1, re-enacted

**19.** Subsection 1 of section 87 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

Assessment  
of  
concentra-  
tors and  
smelters

(1) Notwithstanding the provisions of any Act, a concentrator or smelter of ore or metals is liable to assessment for 1969 and liable to taxation for 1970, and every person occupying or using land for the purpose of or in connection with the concentrating or smelting of ore or metals shall be assessed for a sum to be called business assessment equal to 60 per cent of the assessed value of the land occupied or used by him for such purposes, and the assessment of any such concentrator or smelter and such business assessment shall be added to the assessment roll for the year 1969, and to the collector's roll for the year 1970 notwithstanding that the assessment was not made in 1969 but made thereafter, and the provisions of subsections 3, 3a and 4 of section 54 of *The Assessment Act*, being chapter 23 of the Revised Statutes of Ontario, 1960, continue in force for the purposes of this section and apply *mutatis mutandis*.

R.S.O. 1960, c. 23

1968-69, c. 6, Form 1, re-enacted

**20.** Form 1 to *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

#### FORM 1

(Section 49)

#### AFFIDAVIT OR AFFIRMATION OF ASSESSMENT COMMISSIONER IN VERIFICATION OF ASSESSMENT ROLL

I, ..... of the .....

....., make oath and say (*or solemnly declare and affirm*) as follows:

1. I have, according to the best of my information and belief, set down or caused to be set down in the assessment roll attached hereto all the real property liable to taxation situate in .....; and I have justly and truly assessed or caused to be assessed in accordance with *The Assessment Act, 1968-69*, each of the parcels of real property so set down and, according to the best of my information and belief, I have entered or caused to be entered the names of all owners or tenants assessable in respect of each such parcel.

2. I have estimated and set down or caused to be estimated and set down in the assessment roll, according to the best of my information and

belief

belief, the amounts assessable against every person named in the roll for business or otherwise under such Act.

3. According to the best of my knowledge and belief, I have entered or caused to be entered therein the name of every person entitled to be so entered under *The Assessment Act, 1968-69* or any other Act; and I have not intentionally omitted or caused to be omitted from the roll the name of any person whom I knew or had good reason to believe to be entitled to be entered therein under any of such Acts.

4. I have entered or caused to be entered on the roll the date of delivery or transmission of the notice required by section 40 of *The Assessment Act, 1968-69*, and every such date is truly and correctly stated in the roll.

or

A certificate has been made and attached to the assessment roll certifying the date upon which the notices of assessment were delivered as required by section 40 of *The Assessment Act, 1968-69*.

*(Strike out that which does not apply)*

5. I have not entered or caused to be entered the name of any person at too low a rate in order to deprive such person of a vote, or at too high a rate in order to give such person a vote; and the amount for which each such person is assessed in the roll truly and correctly appears in the notice delivered or transmitted to him.

6. I have not entered or caused to be entered any name in the roll or improperly placed or caused to be placed any letter or letters opposite any name with intent to give a vote to any person not entitled to vote; and I have not intentionally omitted or caused to be omitted from the roll the name of any person whom I believe to be entitled to be placed therein; and I have not, in order to deprive any person of a vote, omitted or caused to be omitted from opposite the name of such person any letter or letters that I ought to have placed therein.

7. I have, according to the best of my information and belief, complied with or caused to be complied with all the provisions of *The Assessment Act, 1968-69*, or of any regulation, with regard to the preparation of the assessment roll.

Sworn (or solemnly declared and affirmed) }  
before me..... }  
at the..... }  
in the..... }  
of..... }  
this..... }  
day of..... }  
19.... }

**21.**—(1) This Act, except sections 2, 4, 5, 6, 7, 8, 9, 10, <sup>Commence-</sup>11, 12, 13, 14, 15, 18 and 19, comes into force on the day it receives Royal Assent.

(2) Sections 5 and 19 shall be deemed to have come into <sup>Idem</sup> force on the 17th day of December, 1969.

(3) Sections 2 and 4, subsections 1 and 3 of section 6, <sup>Idem</sup> sections 7, 8, 9, 10, 11, 12, 13, 14 and 18, shall be deemed to have come into force on the 1st day of January, 1970.

(4) Section 15 comes into force on the 1st day of July, 1970. <sup>Idem</sup>

(5) Subsection 2 of section 6 comes into force on the 1st <sup>Idem</sup> day of January, 1971.

**22.** This Act may be cited as *The Assessment Amendment* Short title *Act, 1970*.



## CHAPTER 58

**An Act to amend  
The Game and Fish Act, 1961-62**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Game and Fish Act, 1961-62*, as amended <sup>1961-62, c. 48, s. 1, amended</sup> by section 1 of *The Game and Fish Amendment Act, 1964*, is further amended by adding thereto the following paragraphs:

7b. "fishing preserve" means an artificial or man-made body of water lying wholly within the boundaries of privately-owned land, containing water from surface run-off, natural springs, ground water or water diverted or pumped from a stream or lake but not being composed of natural streams, ponds or lakes or water impounded by the damming of natural streams and in which fish propagated under a licence or fish taken under a commercial fishing licence are released for angling purposes;

. . . . .

31. "wolf" means any of the species *Canis lupus* L. or *Canis latrans* Say.

**2.** Section 19 of *The Game and Fish Act, 1961-62* is amended <sup>1961-62, c. 48, s. 19, amended</sup> by adding thereto the following subsections:

(2) No person shall use a vehicle or vessel for the <sup>Use of vehicles and vessels</sup> purpose of chasing, pursuing, worrying, molesting, killing, injuring or destroying any animal or bird.

(3) Subsection 2 does not apply to a farmer in the <sup>Exception</sup> defence or preservation of his property or to a party of farmers in the defence or preservation of the property of one or more of them.

1961-62,  
c. 48, s. 22,  
amended

**3.** Section 22 of *The Game and Fish Act, 1961-62*, as amended by section 4 of *The Game and Fish Amendment Act, 1964*, is further amended by adding thereto the following subsections:

Night  
hunting

(2) No person shall hunt any animal or bird between one-half hour after sunset and one-half hour before sunrise of any day.

Devices  
capable of  
throwing or  
casting rays  
of light

(3) No person shall use, while hunting, any device capable of throwing or casting rays of light on any object.

1961-62,  
c. 48, s. 23,  
re-enacted

**4.** Section 23 of *The Game and Fish Act, 1961-62*, as amended by section 5 of *The Game and Fish Amendment Act, 1964*, is repealed and the following substituted therefor:

Exception,  
raccoon  
hunting

23. Notwithstanding section 22, the holder of a licence to hunt raccoon at night may possess or use a firearm of a calibre or type prescribed by the regulations or a light for the purpose of hunting raccoon at night during the open season therefor when accompanied by a dog licensed therefor.

1961-62,  
c. 48, s. 29,  
re-enacted

**5.** Section 29 of *The Game and Fish Act, 1961-62* is repealed and the following substituted therefor:

Release of  
imported  
stock

29.—(1) Without the written authority of the Minister, no person shall release any animal or bird imported into Ontario or propagated from stock imported into Ontario.

Control of  
imported  
stock

(2) No person shall permit any animal or bird imported into Ontario or propagated from stock imported into Ontario to escape.

1961-62,  
c. 48, s. 34,  
subs. 2,  
amended

**6.**—(1) Subsection 2 of section 34 of *The Game and Fish Act, 1961-62* is amended by striking out “shipping” in the third line and in the fifth line, so that the subsection shall read as follows:

Transfer  
of licence,  
coupon or  
seal

(2) Except as provided by the regulations, no licence shall be transferred and no person shall buy, sell, exchange or in any way be a party to the transfer of a licence, coupon or seal, or in any way use or attempt to use a licence, coupon or seal issued to any other person.

1961-62,  
c. 48, s. 34,  
subs. 8  
(1967, c. 30,  
s. 2),  
amended

(2) Subsection 8 of the said section 34, as re-enacted by section 2 of *The Game and Fish Amendment Act, 1967*, is amended by inserting after “shall” in the second line “while hunting”, so that the subsection shall read as follows:

- (8) The holder of a licence of a class designated by the regulations shall, while hunting, wear in a conspicuous place on his person a badge clearly showing the number of the licence. Wearing of badge

**7.** Section 39 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsections: 1961-62, c. 48, s. 39, amended

- (5) Subject to subsection 6, no non-resident shall, during the open season, take or kill more than one black bear under a licence to hunt bear. Bear that may be taken
- (6) Where two or more non-residents who hold licences to hunt bear are hunting as a party, any member of the party may take or kill the number of bear that is equal to the number of such licences held by the members of the party, but in no case shall the total number of bear taken or killed by the members of the party exceed the total number of such licences held by the members of the party. Exception, party hunting bear
- (7) Where a party of hunters is composed of residents and non-residents, the non-residents shall, for the purposes of subsection 6, be deemed to be a party. Idem

**8.** Section 51 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection: 1961-62, c. 48, s. 51, amended

- (2) Subsection 1 does not apply to a person or a game bird hunting preserve exempted under the regulations. Exception

**9.**—(1) Subsection 1 of section 64 of *The Game and Fish Act, 1961-62*, as re-enacted by section 13 of *The Game and Fish Amendment Act, 1964*, is amended by inserting after "licence" in the seventh line "to propagate and sell bass and trout", so that the subsection shall read as follows: 1961-62, c. 48, s. 64, subs. 1 (1964, c. 34, s. 13), amended

- (1) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter, of an Atlantic salmon (also known as ouananiche) taken from Ontario waters, a smallmouth bass, largemouth bass, maskinonge, brook trout, brown trout, rainbow trout or Aurora trout, but, under the authority of a licence to propagate and sell bass and trout and subject to such terms and conditions as are prescribed by the regulations, a person may sell, No traffic in certain fish
- (a) smallmouth bass, largemouth bass, brook trout or rainbow trout for the purpose of stocking; and

(b)

- (b) brook trout and rainbow trout for human consumption.

1961-62,  
c. 48, s. 64,  
subs. 2,  
amended

(2) Subsection 2 of the said section 64 is amended by striking out "licence" in the fifth line and inserting in lieu thereof "commercial fishing licence", so that the subsection shall read as follows:

Idem

- (2) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter, of yellow pickerel (also known as pike-perch, walleye or dore), pike, lake trout or sturgeon taken from Ontario waters by angling or taken in any other manner by a person without a commercial fishing licence.

1961-62,  
c. 48,  
amended

**10.** *The Game and Fish Act, 1961-62* is amended by adding thereto the following section:

Fishing  
preserves

- 64a.—(1) Except under the authority of a licence and subject to the regulations, no person shall own or operate a fishing preserve.

Exception

- (2) Subsection 1 does not apply to a person or a fishing preserve exempted under the regulations.

1961-62,  
c. 48, s. 72,  
amended

**11.** Section 72 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection:

Game  
export  
permits

- (4) The Minister may issue to a non-resident entitled to hunt under a licence a permit not inconsistent with any law of Canada to export from Ontario or to transport in Ontario at any time any animal or bird killed by him under the licence upon proof satisfactory to the Minister that the animal or bird has been lawfully taken and upon payment of the fee prescribed in the regulations and any such permit shall be deemed to be a permit mentioned in subsection 3.

1961-62,  
c. 48, s. 80,  
subs. 2,  
amended

**12.**—(1) Subsection 2 of section 80 of *The Game and Fish Act, 1961-62*, as amended by section 15 of *The Game and Fish Amendment Act, 1964*, is further amended by inserting after "Act" where it occurs the second time in the second line "1968", and by striking out "or 386" in the fifth line and inserting in lieu thereof "386 or 387", so that the subsection shall read as follows:

Cancellation  
and  
prohibition  
against issue  
of licences

- (2) Upon the conviction of any person of an offence against this Act or under *The Forest Fires Prevention Act, 1968*, the *Migratory Birds Convention Act* (Canada) or the regulations made under that

Act, or under section 165, 191, 192, 193, 372, 373, 374, 375, 377, 383, 384, 385, 386 or 387 of the *Criminal Code* (Canada) as amended or re-enacted from time to time, committed while using or in possession of a fire-arm for the purpose of hunting, the court may cancel any licence to hunt, except a licence to hunt or trap fur-bearing animals, issued to such person, and, upon such conviction, the court may order that such person shall not apply for or procure any licence to hunt, except a licence to hunt or trap fur-bearing animals, during the period stated in the order.

(2) The said section 80 is amended by adding thereto the following subsections: <sup>1961-62, c. 48, s. 80, amended</sup>

(2a) Upon the conviction of a holder of a licence mentioned in subsection 1 of section 71 of an offence against section 386 or 387 of the *Criminal Code* (Canada) committed in respect of live game or a wolf held under the licence, the court may cancel the licence. <sup>Idem</sup>

(2b) Upon conviction of any person of an offence against section 18, the court, in addition to making an order under subsection 2, may order that the convicted person shall not apply for or procure a licence to hunt, except upon the successful completion of an examination for applicants for licences. <sup>Idem</sup>

(3) Subsection 3 of the said section 80 is amended by inserting after "subsection 2" in the second line "or 2b", so that the subsection shall read as follows: <sup>1961-62, c. 48, s. 80, subs. 3, amended</sup>

(3) Every person who fails to comply with an order made against him under subsection 2 or 2b is guilty of an offence against this Act. <sup>Offence</sup>

**13.**—(1) Section 83 of *The Game and Fish Act*, 1961-62 is amended by adding thereto the following paragraphs: <sup>1961-62, c. 48, s. 83, amended</sup>

1c. prescribing the fees payable for game export permits for any species of animal or bird;

. . . . .

12a. providing for the exemption from subsection 1 of section 51 of the Act and from the regulations or any provision thereof, of any person or class of persons or any game bird hunting preserve or class thereof, and prescribing the terms and conditions therefor;

12b.

- 12*b*. limiting the number of licences that may be issued to own or operate fishing preserves, designating the species of fish that may be possessed under such a licence, prescribing minimum and maximum areas for preserves, requiring and regulating the posting of boundaries of preserves and the release of fish on preserves, and regulating the spacing of preserves, the taking or killing of fish on preserves and the use of preserves for fishing.
- 12*c*. providing for the exemption from subsection 1 of section 64*a* of the Act and from the regulations or any provision thereof, of any person or class of persons, or any fishing preserve or class thereof, and prescribing the terms and conditions therefor.

1961-62,  
c. 48, s. 83,  
par. 24  
(1964, c. 34,  
s. 16,  
subs. 3),  
amended

(2) Paragraph 24 of the said section 83, as re-enacted by subsection 3 of section 16 of *The Game and Fish Amendment Act, 1964*, is amended by striking out “clause *a* or *b* of” in the first line, and by inserting after “to” in the sixth line “propagate and”, so that the paragraph shall read as follows:

- 24. governing the sale under subsection 1 of section 64 of smallmouth bass, largemouth bass, brook trout or rainbow trout, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to propagate and sell any such fish, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed.

Commence-  
ment

**14.** This Act comes into force on the day it receives Royal Assent.

Short title

**15.** This Act may be cited as *The Game and Fish Amendment Act, 1970*.

## CHAPTER 59

## An Act to amend The Public Lands Act

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 17 of *The Public Lands Act* is amended by striking out "all timber and trees standing, being or thereafter found growing thereon, and" in the third and fourth lines, so that the subsection shall read as follows: R.S.O. 1960,  
c. 324, s. 17,  
subs. 4,  
amended

(4) In every sale or other disposition of public lands for summer resort locations there shall be reserved to the Crown all mines and minerals thereon or thereunder, and the instrument of sale or other disposition shall so provide. Reservation  
of minerals

2. Section 63 of *The Public Lands Act*, as amended by section 3 of *The Public Lands Amendment Act, 1968*, is further amended by adding thereto the following subsections: R.S.O. 1960,  
c. 324, s. 63,  
is amended

(1a) A reservation of all timber and trees or any class or kind of tree contained in letters patent granting public lands disposed of under this or any other Act for a summer resort location is void. Reservations  
of trees  
voided

(1b) A reservation of all timber and trees or any class or kind of tree contained in letters patent dated on or before the 1st day of April, 1869 and granting public lands disposed of under this or any other Act is void. Idem

(1c) Subsections 1a and 1b do not affect the rights of the holder of a licence under *The Crown Timber Act* subsisting on the day this Act comes into force. Exception  
R.S.O. 1960,  
c. 83

3.—(1) The letters patent dated the 8th day of July, 1909 granting to The Methodist Church the public lands described therein, being Lot 30 on the South side of Tenth Street in the Townplot of Gowganda in the Territorial District of

Nipissing, containing one-quarter of an acre, more or less, are amended by striking out the habendum, which reads: "To have and to hold unto the said The Methodist Church for Church purposes".

Idem

(2) The letters patent dated the 12th day of July, 1909 granting to The Methodist Church the public lands described therein, being Lot 31 on the South side of Tenth Street in the Townplot of Gowganda in the Territorial District of Nipissing, containing one-quarter of an acre, more or less, are amended by striking out the habendum, which reads: "To have and to hold unto the said The Methodist Church for Church purposes".

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Public Lands Amendment Act, 1970*.

## CHAPTER 60

**An Act to amend  
The Ontario Energy Board Act, 1964**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Paragraph 9 of section 1 of *The Ontario Energy Board Act, 1964* is repealed and the following substituted therefor: <sup>1964, c. 74, s. 1, par. 9, re-enacted</sup>

9. "Minister" means the Minister of Mines and Northern Affairs.

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

**3.** This Act may be cited as *The Ontario Energy Board Amendment Act, 1970*. <sup>Short title</sup>



## CHAPTER 61

**An Act to amend The Energy Act, 1964**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding anything in *The Energy Act, 1964* and <sup>Administra-</sup> any amendments thereto, the Minister of Mines and Northern Affairs shall administer all provisions of that Act respecting the exploration for, the drilling for, the production of, and the storage of oil and gas and the Minister of Labour shall administer all provisions of that Act that relate to the safety of persons and property in the transmission, distribution and use of natural gas and petroleum products and in the storage, distribution, handling and use of propane and fuel oil.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.  
ment

**3.** This Act may be cited as *The Energy Amendment Act*, <sup>Short title</sup> 1970.



## CHAPTER 62

**An Act to provide  
Incentive for the Abatement of Pollution**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**Interpreta-  
tion

- (a) "Minister" means the Minister of Energy and Resources Management;
- (b) "regulations" means the regulations made under this Act.

**2. The Minister may make grants,**

Grants

- (a) to any municipality, including a district, metropolitan or regional municipality, university, school or hospital in respect of equipment for pollution abatement that it has installed and made operational after this Act comes into force for the purpose of incineration, the treatment of sewage, the treatment of water to produce potable water or the treatment or disposal of waste;
- (b) to any person engaged in the generation and production of electricity or in the manufacturing or processing of products, goods or merchandise in respect of equipment for pollution abatement that is used in relation to such generation, production, manufacturing or processing and that he has installed and made operational after this Act comes into force;
- (c) to any owner of a source of pollution, except a motor vehicle, in respect of equipment for pollution abatement that is used in relation thereto and that he has installed and made operational after this Act comes into force; and

(d)

- (d) to any person who is engaged, whether for profit or otherwise, in the abatement of pollution or the treatment or disposal of waste, in respect of equipment for pollution abatement or the treatment or disposal of waste that is used in relation thereto and that he has installed and made operational after this Act comes into force.

Eligibility  
for grants  
1960-61  
c. 91

3. Every claimant, to be eligible for a grant under section 2, must satisfy the Minister that the tax under *The Retail Sales Tax Act, 1960-61* has been paid by him in respect of the equipment for pollution abatement or the treatment or disposal of waste in relation to which a grant is claimed and that the equipment has been installed and made operational.

Amount of  
grants

4. Except as provided under section 5, the amount of a grant to any person, municipality, university, school or hospital shall be,

- (a) where the equipment is used solely for the abatement of pollution or the treatment or disposal of waste, the amount of the tax paid by such person, municipality, university, school or hospital under *The Retail Sales Tax Act, 1960-61* in respect of such equipment; or
- (b) where the use of the equipment is not solely for the abatement of pollution or the treatment or disposal of waste, as determined by the Minister, the amount of such tax that is in the same proportion as the equipment is used for the abatement of pollution or the treatment or disposal of waste.

Where  
pollution  
abatement  
only part of  
result of  
change of  
process or  
method

5.—(1) When the Minister determines that a major change in an existing system, process or method of incineration, treatment of sewage, treatment of water to produce potable water, treatment or disposal of waste, generation and production of electricity, or the manufacturing or processing of products, goods or merchandise results in the abatement of pollution, he may make a grant in an amount not to exceed the amount of the tax paid under *The Retail Sales Tax Act, 1960-61* by the claimant in respect of any material or thing required for such change and upon such terms and conditions as he considers proper.

Eligibility  
for grant

(2) Every claimant, to be eligible for a grant under this section, must satisfy the Minister that the tax under *The Retail Sales Tax Act, 1960-61* has been paid by him in respect of any material or thing required for such change.

**6.** Grants shall be made under section 2 only in relation to equipment for the abatement of pollution or the treatment or disposal of waste that is approved for the purposes of this Act by the Minister and on such terms and conditions, in addition to those prescribed by the regulations, as may be imposed by the Minister.

Approval of  
equipment

**7.** No application for a grant under this Act may be made later than thirty days after the end of the calendar year in which the equipment for the abatement of pollution or the treatment or disposal of waste in relation to which the grant is payable was installed and made operational or in which a change was made under section 5.

Application  
for grant

**8.** The Minister may authorize any officer or officers of the Department of Energy and Resources Management or of the Ontario Water Resources Commission to exercise and discharge in his place any of the powers conferred or duties imposed upon him under this Act.

Delegation  
of powers to  
officer

**9.** The Lieutenant Governor in Council may make regulations,

Regulations

- (a) defining and classifying equipment for the abatement of pollution or the treatment or disposal of waste for the purposes of this Act;
- (b) prescribing equipment for the abatement of pollution or the treatment or disposal of waste or any class thereof to which this Act does not apply;
- (c) prescribing the terms and conditions upon which grants may be made in relation to equipment for the abatement of pollution or the treatment or disposal of waste or any class thereof;
- (d) prescribing forms and providing for their use under this Act;
- (e) prescribing the documents and other information that shall be filed with an application for a grant under this Act;
- (f) limiting the amount of any grant or the aggregate amount of grants that may be paid to any claimant in relation to equipment for the abatement of pollution or the treatment or disposal of waste or any class thereof installed and made operational during any period.

Moneys

**10.** The moneys required for the purposes of this Act shall, until the 31st day of March, 1971, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of moneys appropriated therefor by the Legislature.

Commence-  
ment  
and repeal

**11.** This Act shall be deemed to have come into force on the 1st day of April, 1970, and is repealed on the 1st day of April, 1975.

Short title

**12.** This Act may be cited as *The Pollution Abatement Incentive Act, 1970*.

## CHAPTER 63

**An Act to amend  
The Secondary Schools and Boards of  
Education Act**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 5 of section 50 of *The Secondary Schools and Boards of Education Act*, as amended by section 20 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 362, s. 50,  
subs. 5,  
re-enacted

- (5) A member of a board of education elected by separate school supporters or appointed by a separate school board is a trustee for secondary school purposes only and shall not vote on matters that affect public schools exclusively, and all other members of a board of education are trustees for public and secondary school purposes. Members to  
be trustees

**2.** Section 54 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 23 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 362, s. 54  
(1968-69,  
c. 115, s. 23),  
amended

- (2) The provisions of section 93 in respect of the qualifications and disqualifications of members of a divisional board of education apply to members of a board of education established under this Part. Qualification  
and dis-  
qualification
- (3) Notwithstanding subsection 2, a member of a board of education who was elected or appointed prior to the 1st day of January, 1970, shall not be disqualified in respect of his place of residence so long as he maintains the residence qualification required of him at the time of his election or appointment. Exception
- (4) Subject to subsection 5, where the office of a member of a board of education becomes vacant from any Filling  
vacancies

cause before the expiration of his term, it shall be filled in the manner provided for filling a vacancy on a divisional board of education.

Filling  
vacancies  
prior to  
next election

- (5) Where, before the election next following the 1st day of January, 1970, a vacancy occurs in the office of a member of a board of education who was appointed by a separate school board, such separate school board shall appoint a member to fill the vacancy, and the person so appointed shall hold the qualifications required of a member of a board of education elected by separate school supporters.

R.S.O. 1960,  
c. 362,  
ss. 56, 58-60,  
repealed

**3.** Section 56, as amended by section 26 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, and sections 58, 59 and 60 of *The Secondary Schools and Boards of Education Act* are repealed.

R.S.O. 1960,  
c. 362, s. 81  
(1968, c. 122,  
s. 8), subs. 1,  
cl. e,  
amended

**4.—**(1) Clause *e* of subsection 1 of section 81 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is amended by adding at the end thereof “and includes an area municipality as defined in *The District Municipality of Muskoka Act, 1970*”, so that the clause shall read as follows:

- (e) “district municipality” means a municipality, except a city, in a territorial district, and includes an area municipality as defined in *The District Municipality of Muskoka Act, 1970*.

1970, c. 32

R.S.O. 1960,  
c. 362, s. 81  
(1968, c. 122,  
s. 8), subs. 1,  
cls. g, i,  
re-enacted

(2) Clauses *g* and *i* of subsection 1 of the said section 81 are repealed and the following substituted therefor:

- (g) “public school elector” in a school division means,
- (i) in a municipality, a person whose name is entered on the last revised voters’ list as qualified to vote at the municipal elections of the municipality, but does not appear thereon as a supporter of a separate school for Roman Catholics, and
  - (ii) in territory without municipal organization, a person who is of the full age of twenty-one years and a British subject and whose name is entered on the last revised assessment roll for such territory, except a person who is a Roman Catholic and whose name is entered on such roll as a separate school supporter;

. . . . .

(i)

(i) "separate school supporter" in a school division means,

(i) in a municipality, a person whose name is entered on the last revised voters' list as qualified to vote at the municipal elections of the municipality and appears thereon as a supporter of a separate school for Roman Catholics, and

(ii) in territory without municipal organization, a person who is of the full age of twenty-one years, a British subject and a Roman Catholic and whose name is entered on the last revised assessment roll for such territory as a supporter of separate schools.

5. Subsection 7 of section 84 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 362, s. 84  
(1968, c. 122,  
s. 8), subs. 7,  
re-enacted

(7) The decision of a majority of the arbitrators under subsection 3 or 4 shall be made on or before the 31st day of July, 1970, except a decision in respect of a teacher's contract under clause *f* of subsection 2 which shall be made on or before the 1st day of May, 1969, and, subject to subsection 7*b*, every such decision is final.

Decision of  
arbitrators

(7*a*) A decision under subsection 3 or 4 or an amended decision under subsection 7*b* shall not be implemented before the 1st day of January, 1971, but the provisions of this subsection shall not operate so as to prevent the implementation before the 15th day of June, 1970, of,

Implemen-  
tation of  
decision

(*a*) a decision in respect of a teacher's contract under clause *f* of subsection 2; or

(*b*) a decision, other than a decision referred to in clause *a*, that has been implemented in whole or in part before such date.

(7*b*) Where, subsequent to the decision of the arbitrators referred to in subsection 7, a matter or condition that was not evident at the time the decision was made is brought to the attention of the divisional board before the 30th day of September, 1970, the divisional board, where no part of the decision, other than a

Amended  
decision

decision

decision in respect of a teacher's contract under clause *f* of subsection 2, has been implemented before the 15th day of June, 1970, shall, before the 15th day of October, 1970, refer the matter or condition to the arbitrators who shall, prior to the 15th day of November, 1970, make a decision in relation to such matter or condition in accordance with this section, and may amend their former decision accordingly, and the provisions of subsection 6 apply *mutatis mutandis*.

Vacancy in  
arbitrators

- (7c) For the purposes of subsection 7b, where an arbitrator appointed under subsection 3, 4 or 5 is unable for any reason to act, a person qualified in accordance with subsection 3 shall be appointed to fill the vacancy by the board, or by the arbitrators, that appointed the arbitrator who is unable to act.

R.S.O. 1960,  
c. 362, s. 85,  
subs. 1a  
(1968-69,  
c. 115, s. 34,  
subs. 2),  
re-enacted

6. Subsection 1a of section 85 of *The Secondary Schools and Boards of Education Act*, as enacted by subsection 2 of section 34 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Where  
estimates  
submitted  
after Mar.  
1st

- (1a) Where, in any year, a divisional board is unable to submit the statement and requisition required under subsection 1 to the council of each municipality in the school division on or before the 1st day of March, the later submission thereof does not relieve the council of its duty under subsection 1 of section 88 to levy and collect the amount required by the divisional board.

Where cost  
of separate  
levy payable  
by divisional  
board

- (1b) Where, in the year 1971 and in any year thereafter, the council of a municipality is required, by reason of receiving the requisition of a divisional board under subsection 1 after the 1st day of March, to levy the amount required by the divisional board by a separate levy from the amount levied for municipal purposes, the divisional board, on the request of the treasurer of the municipality, shall pay to the treasurer the cost of levying the amount required by the divisional board.

R.S.O. 1960,  
c. 362, s. 86,  
subs. 1a  
(1968-69,  
c. 115, s. 35),  
amended

7.—(1) Subsection 1a of section 86 of *The Secondary Schools and Boards of Education Act*, as enacted by section 35 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is amended by striking out “on or before the 1st day of March in that year” in the ninth and tenth lines and inserting in lieu thereof “within thirty days after receiving the apportionment from the divisional board”, so that the subsection shall read as follows:

(1a)

- (1a) Where, in any year, territory without municipal organization is included in a school division and property therein is assessed for the first time for the purpose of levying rates and collecting taxes for school purposes, such assessment shall, for the purposes of apportionment of costs for that year under this section, be the assessment on which taxes are levied in that year and a request for arbitration under subsection 10 may be made within thirty days after receiving the apportionment from the divisional board.
- Apportionment where unorganized territory becomes part of school division

(2) Subsection 4 of the said section 86, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960, c. 362, s. 86 (1968, c. 122, s. 8), subs. 4, re-enacted

- (4) Where in respect of any year, the council of a municipality is of the opinion that the apportionment made under subsection 2 or 3 imposes an undue burden on the ratepayers of the municipality or of part thereof, the council may apply to the divisional board, within thirty days after receiving the apportionment from the divisional board, for an arbitration to determine the proportion of the sums required for public school purposes and for secondary school purposes that each municipality or part thereof shall bear in such year.
- Request for arbitration

(3) Subsection 9 of the said section 86 is amended by striking out "a period of three years or until the equalized assessment of a municipality in the school division is increased or decreased by a total of more than 10 per cent since the last decision of the arbitrators" in the fourth, fifth, sixth and seventh lines and inserting in lieu thereof "the year in respect of which the decision is made", so that the subsection shall read as follows:

R.S.O. 1960, c. 362, s. 86 (1968, c. 122, s. 8), subs. 9, amended

- (9) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, is effective for the year in respect of which the decision is made.
- Effect of decision

(4) Subsection 10 of the said section 86 is repealed and the following substituted therefor:

R.S.O. 1960, c. 362, s. 86 (1968, c. 122, s. 8), subs. 10, re-enacted

- (10) In territory without municipal organization that is deemed to be a district municipality in a school division, five ratepayers resident in such district municipality have the same powers as the council
- Territory without municipal organization

of a municipality under subsections 4 and 8 and may appoint one ratepayer to act as treasurer for the purposes of this section and, where any disagreement arises in respect of such appointed treasurer, the secretary of the divisional board shall designate the person so to act.

R.S.O. 1960, c. 362, s. 86 (1968, c. 122, following subsection: s. 8), amended

Adjustment  
as result of  
arbitration

- (11) Where in respect of any year a municipality in a school division has, under section 88, levied the amounts that were requisitioned by the divisional board and such amounts are altered by a decision of the arbitrators or by a decision of the Ontario Municipal Board, an overpayment or an underpayment in respect of the municipality or part, resulting from such alteration, shall be adjusted in the levy for the following year.

R.S.O. 1960, c. 362, s. 87<sup>a</sup> (1968-69, c. 115, s. 38), subs. 6, re-enacted

**8.** Subsection 6 of section 87<sup>a</sup> of *The Secondary Schools and Boards of Education Act*, as enacted by section 38 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Request for  
arbitration

- (6) Where the council of a municipality is of the opinion that the apportionment made under this section imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the divisional board, within thirty days after receiving such apportionment from the divisional board, for an arbitration to determine the proportion of the sums required for public school purposes and for secondary school purposes that each municipality shall raise in respect of the year for which the request for an arbitration is made, and the provisions of subsections 6 to 11 of section 86 apply *mutatis mutandis*.

R.S.O. 1960, c. 362, s. 88, subss. 1<sup>a</sup>, 1<sup>b</sup> (1968-69, c. 115, s. 39, subs. 2), repealed

**9.**—(1) Subsections 1<sup>a</sup> and 1<sup>b</sup> of section 88 of *The Secondary Schools and Boards of Education Act*, as enacted by subsection 2 of section 39 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, are repealed.

R.S.O. 1960, c. 362, s. 88 (1968, c. 122, s. 8), amended

(2) The said section 88, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968* and amended by section 39 of *The Secondary Schools and Boards of Education Amendment Act, 1968-69*, is further amended by adding thereto the following subsections:

- (1e) Where an agreement under subsection 1*d* does not provide for its termination, it shall continue in force from year to year until it is terminated on the 31st day of December in any year by notice given before the 31st day of October in such year, <sup>Termination of agreement</sup>

(a) by the secretary of the divisional board as authorized by a resolution of the divisional board; or

(b) by the clerks of the majority of the municipalities which represent at least two-thirds of the equalized assessment in the school division,

and where no agreement is in effect under subsection 1*d*, the payments shall be made as provided in subsection 1*c*.

- (1f) Where in the year 1970 the requisition under sub- <sup>Where in 1970</sup> section 1 of section 85 is not submitted to the council of a municipality on or before the 1st day of <sup>requisition received after March 1st</sup> March, an instalment of the amounts required to be paid by the municipality for public school purposes and for secondary school purposes shall be due and payable,

(a) thirty days after the date upon which the requisition is submitted;

(b) thirty days after the date upon which this section comes into force; or

(c) on the due date of the instalment under subsection 1*c* or under an agreement made under subsection 1*d*,

whichever is the latest.

- (3) The said section 88 is further amended by adding thereto the following subsection: <sup>R.S.O. 1960, c. 362, s. 88 (1968, c. 122, s. 8), amended</sup>

- (1g) Where in any year, for any reason, the amounts required to be raised under subsection 1 have not been requisitioned before the date upon which an instalment is due, the amount of the instalment shall be based upon the requisition of the previous year and paid on the due date, and in the case of late payment or prepayment of all or part of such instalment the interest or discount under subsection 1*c* <sup>Where instalment due before requisition received</sup>

shall

shall apply thereto, and the necessary adjustment shall be made in the instalment due next following the date upon which the requisition of the divisional board is received.

R.S.O. 1960, c. 362, s. 91, (1968, c. 122, s. 8), subs. 3, re-enacted **10.** Subsection 3 of section 91 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

Election of members by separate school supporters in defined city

- (3) The members to be elected under subsection 2 shall be elected as provided in subsection 16 of section 92, which subsection applies *mutatis mutandis*, and otherwise in the same manner as the members under subsection 1.

R.S.O. 1960, c. 362, s. 92, (1968, c. 122, s. 8), subs. 7, re-enacted **11.**—(1) Subsection 7 of section 92 of *The Secondary Schools and Boards of Education Act*, as enacted by section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1968*, is repealed and the following substituted therefor:

When determination to be made under subss. 4-6

- (7) Before the 1st day of September in the year in which an election is to be held, a determination shall be made,

(a) under subsections 4, 5 and 6 if it is determined under subsection 3 that the number of members of the divisional board should be increased or decreased or if one or more municipalities are attached to or detached from the school division under subsection 1 of section 99 effective the 1st day of January next following the election;

(b) under subsection 6 if,

(i) the boundaries of one or more cities within the school division have been altered or a new city has been erected in the school division subsequent to the latest determination made under subsection 6 that did not take into account the altered boundaries or the new city, or

(ii) the boundaries of one or more cities within the school division are to be altered or a new city is to be erected effective on the 1st day of January of the year next following the election; and

(c)

- (c) under subsections 4, 5 and 6 in every fourth year following the latest determination under subsections 4 and 5,

and a determination made under subsection 4, 5 or 6 is effective until a new determination is required in accordance with this subsection.

(2) Subsection 9 of the said section 92 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 362, s. 92  
(1968, c. 122,  
s. 8), subs. 9,  
re-enacted

(9) With respect to,

Distribution  
of members  
to be elected  
by public  
school elec-  
tors in  
county or  
district  
muni-  
cipalities

- (a) the county municipalities, except those in a regional municipality that are in a school division, the council of the county;
- (b) the county municipalities, in a regional municipality that are in a school division, the clerks of the three county municipalities having successively the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs; and
- (c) the district municipalities in a school division, the clerks of the three organized district municipalities having successively the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs, and the clerk of each town or village in which a high school is located in the school division, and, where there are fewer than three organized district municipalities in the school division, the clerks of all such municipalities,

shall determine the municipality or municipalities to be represented by each member to be elected in the school division by the public school electors under clause *b* of subsection 6, but in no case shall the determination provide for a member to be elected by a general vote of all the public school

electors

electors of the municipalities other than cities in the school division, and such determination is effective for a period of four years or until the number of members for the school division is increased or decreased under subsection 3 or the boundaries of one or more county or district municipalities within the school division are altered or are to be altered effective the 1st day of January next following the election.

When deter-  
mination to  
be made

(9a) Before the 1st day of September in each year in which an election is to be held, the determination under subsection 9 shall be made if,

(a) a determination is made in accordance with subsection 7;

(b) the boundaries of one or more county or district municipalities have been altered subsequent to the latest determination under subsection 9, or are to be altered effective the 1st day of January next following the election; or

(c) the boundaries of the school division are altered, or are to be altered under subsection 2 of section 82 effective the 1st day of January next following the election.

Where judge  
to make  
deter-  
mination

(9b) Where the determination is not made before the 1st day of September, the clerk of the county municipality or of the organized district municipality having the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs, as the case may be, shall refer the matter to the judge who shall make the determination before the 1st day of October in accordance with subsection 10.

R.S.O. 1960,  
c. 362, s. 92  
(1968, c. 122,  
s. 8),  
subs. 10,  
amended

(3) Subsection 10 of the said section 92 is amended by inserting after "municipalities" in the tenth line "or the clerks of the county municipalities in a school division in a regional municipality".

R.S.O. 1960,  
c. 362, s. 92  
(1968, c. 122,  
s. 8),  
subs. 11,  
re-enacted

(4) Subsection 11 of the said section 92 is repealed and the following substituted therefor:

- (11) Where the determination made under subsection 9 Appeal from determination allots to a municipality or to a combination of municipalities a percentage of the total number of members to be elected by the public school electors of all the county or district municipalities in the school division that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for public school purposes in the municipality or combination of municipalities is of the total equalized residential and farm assessment of the property rateable for public school purposes in all the county or district municipalities in the school division, the council of the municipality or the council of any one of such combination of municipalities, as the case may be, may, within fifteen days after notice of the determination has been sent, appeal the determination to the county or district judge who shall either reapportion the number of members in accordance with subsection 10 or, where he determines that the determination was made in accordance with subsection 10, confirm the determination, and his decision is final.

- (5) Subsections 12 and 13 of the said section 92 are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 362, s. 92  
(1968, c. 122,  
s. 8), subs. 12,  
re-enacted;  
subs. 13,  
repealed

- (12) The clerk of each city and of each county or district municipality in a school division and the secretary of the divisional board shall provide to the persons required to make a determination under this section, on their request, the information required for such purpose.

Information  
for deter-  
minations

- (6) Subsection 14 of the said section 92 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 362, s. 92  
(1968, c. 122,  
s. 8), subs. 14,  
re-enacted

- (14) The clerk of the county and the clerk of the organized district municipality or of the county municipality in a school division in a regional municipality having the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor, based on such assessment, provided by the Department of Municipal Affairs, shall,

By whom  
deter-  
mination to  
be made

- (a) make the determinations required under subsections 4, 5, 6 and 19 with respect to a school division in a county or a regional municipi-

pality or in territory without municipal organization, as the case may be; and

(b) send by registered mail to the clerk of each city and of each county or district municipality in the school division and to the secretary of the divisional board,

(i) before the 1st day of September in each year in which it is determined under subsection 3 that the number of members of the divisional board should be increased or decreased or in which a determination is made under subsection 9 or 19, a copy of each of the determinations made under subsections 4, 5, 6, 9 and 19, and

(ii) before the 1st day of October in each year in which a determination is made by the judge under subsection 9b or 19, a copy of the determination.

R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 15, amended (7) Subsection 15 of the said section 92 is amended by inserting after "the" where it occurs the fourth time in the eighth line "county or".

R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), amended (8) The said section 92 is amended by adding thereto the following subsection:

New determination where former determination improper (15a) Where the council of a municipality or a divisional board on behalf of any territory without municipal organization that is deemed a district municipality, after the period allowed for an appeal under this section and notwithstanding a decision made in respect of such appeal, is of the opinion that the composition of the board of a school division was not determined in accordance with the provisions of this section, the council or the board may, before the 1st day of May in the year of the next following election, apply to the judge to have the determination set aside and, where the judge finds that the determination was not made in accordance with the provisions of this section, he shall order a new determination to be made, and the determination so made, subject to an appeal under subsection 11 or subsection 15, shall apply to the election next following such determination, and the divisional

board in respect of which the application to the judge is made shall be deemed to have been properly constituted notwithstanding any defect in its composition.

- (15*b*) Notwithstanding the date referred to in subsection 15*a*, an application to the judge under such subsection in the year 1970 may be made on or before the 15th day of July. New determination in 1970

(9) Subsection 16 of the said section 92 is amended by striking out "passed before the 1st day of November in the year of the election" in the tenth and eleventh lines. R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 16, amended

(10) The said section 92 is further amended by adding thereto the following subsection: R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), amended

(16*a*) A by-law for the purpose mentioned in subsection 16 and a by-law repealing any such by-law shall not be passed later than the 1st day of November in the year of the election and shall take effect for the purpose of the election next after the passing of the by-law and remains in force until repealed. Time for passing by-law

(11) Clauses *a* and *b* of subsection 17 of the said section 92 are repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 17, cls. a, b, re-enacted

(*a*) the nominations for such members shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for public school purposes in the combined area, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

(*b*) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the vote.

(12) Subsections 18, 19, 20 and 21 of the said section 92 are repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 92 (1968, c. 122, s. 8), subs. 18-21, re-enacted

(18) Where a school division includes county or district municipalities and one or more cities, and the number of members to be elected by the separate school supporters in cities and county or district municipalities exceeds one, the number of members to be elected by the separate

school supporters of each city and of the county or district municipalities shall be determined in accordance with subsections 6, 7 and 8, which subsections apply *mutatis mutandis*, except that the equalized residential and farm assessment of the separate school supporters shall be used in the determinations.

Distribution  
of members  
to be elected  
by separate  
school  
supporters

(19) Where it is determined under subsection 5 or 18 that the number of members to be elected by the separate school supporters of the county or district municipalities in the school division exceeds one, the county or district municipalities to be represented by each such member shall be determined in accordance with subsections 9, 9a, 9b, 10 and 11, which subsections apply *mutatis mutandis*, except that,

- (a) the equalized residential and farm assessments of the separate school supporters shall be used in all the determinations; and
- (b) the reference in subsection 9 to the clerk of a town or village in which a high school is located in the school division shall be deemed to refer only to a town or village that is a separate school zone.

Election of  
members by  
separate  
school  
supporters

(20) Where the number of members,

- (a) determined under subsection 5, is one, such member shall be elected by a general vote of the separate school supporters of the school division; or
- (b) to be elected by the separate school supporters of the county or district municipalities under subsection 18 is one, such member shall be elected by a general vote of the separate school supporters of the county or district municipalities in the school division.

Idem

(21) Where,

- (a) one member is to be elected by a general vote of the separate school supporters of a school division or of the separate school supporters of the county or district municipalities in a school division; or
- (b) two or more municipalities are combined for the purposes of the election of one or more members by the separate school supporters,

then,

then,

(c) the nominations for such member or members shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for separate school purposes in the school division, in the county or district municipalities in the school division or in the combined area, as the case may be, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

(d) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause c, who shall prepare the final summary and announce the vote.

(13) Subsection 25 of the said section 92 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 362, s. 92  
(1968, c. 122,  
s. 8), subs. 25,  
re-enacted

(25) An election of members of a divisional board, except a divisional board of a defined city, shall take place in the year 1968 and in every second year thereafter.

Biennial  
elections

(25a) Where, in a municipality other than a defined city, there is no provision for municipal elections in the year 1968 or in any second year thereafter, the council of the municipality shall provide for the election of members of the divisional board in the year 1968 and in every second year thereafter.

Where no  
municipal  
election in  
any year

(25b) An election of members of a divisional board shall be conducted in the same manner as municipal elections and,

Manner of  
election

(a) the meetings of electors for the nomination of candidates for a divisional board, except a divisional board of a defined city, shall be held on the second Monday preceding the first Monday in December;

(b) the day for polling, except in the case of the election of the members of a divisional board of a defined city, shall be the first Monday in December, and the polls shall be open be-

tween the hours of 10 o'clock in the forenoon and 8 o'clock in the afternoon except that, where a municipal election is held on the same day, the polls shall be open between the same hours as for the municipal election;

- (c) the council of every municipality in which a nomination meeting is to be held shall, before the 1st day of November in the year 1968 and in every second year thereafter, pass a by-law naming the date, time and place at which the nomination meeting shall be held, and the clerk of such municipality shall, within forty-eight hours of the passing of the by-law, notify the returning officer of each municipality concerned who shall advertise the date, time and place of the nomination meeting as provided in section 45 of *The Municipal Act*; and

R.S.O. 1960,  
c. 249

- (d) the council of a municipality may by by-law provide for advance polls, and section 90 of *The Municipal Act* applies *mutatis mutandis*.

Voters'  
list

- (25c) The list of voters to be used in an election of members of a divisional board is,

- (a) the voters' list prepared, revised and certified for use in the municipal election in the year of the election of the divisional board; or
- (b) where no municipal election is to be held in a municipality in the year of the election of the divisional board, the last revised voters' list for the municipality completed in accordance with *The Voters' Lists Act*; or

R.S.O. 1960,  
c. 420

- (c) in territory without municipal organization, the last revised assessment roll, excepting therefrom the names of persons who are not British subjects and of persons who are not of the full age of twenty-one years.

Adding  
names to  
list of  
voters

- (25d) Where, in a municipality in which no municipal election is to be held in the year of the election of the divisional board or in territory without municipal organization, the name of a person has been entered on the last revised assessment roll or has been added to the assessment roll under section 44 of *The Assessment Act, 1968-69*, and the clerk is satisfied that the

1968-69, c. 6

person

person is entitled to have his name entered on the list of voters and his name has not been entered thereon, he may issue a certificate in Form 10 to *The Municipal Act*, authorizing the returning officer or proper deputy returning officer to enter the name of the person on such list. R.S.O. 1960,  
c. 249

(14) Subsection 28 of the said section 92 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 362, s. 92  
(1968, c. 122,  
s. 8), subs. 28,  
re-enacted

(28) Where the council of a municipality is required to provide for an election of members of a divisional board in a year other than a year in which the election of the members of the council is held, the divisional board shall forthwith after its organization reimburse the treasurer of the municipality for the reasonable expenses incurred by the clerk or any other officer of the municipality for advertising the times and places of nomination meetings and of polls, for printing, for providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, for the transmission of packets, and for reasonable fees and allowances for services rendered respecting the election of members of the divisional board, excluding the cost of preparing the voters' list. Expenses  
for certain  
elections to  
be repaid to  
municipality

**12.**—(1) This Act, except sections 5, 6 and 8 and subsection 3 of section 9, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Section 5 shall be deemed to have come into force on the 31st day of December, 1969. Idem

(3) Sections 6 and 8 shall be deemed to have come into force on the 1st day of January, 1970. Idem

(4) Subsection 3 of section 9 comes into force on the 1st day of January, 1971. Idem

**13.** This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1970*. Short title



## CHAPTER 64

## An Act to amend The Separate Schools Act

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 12a of section 22 of *The Separate Schools Act*, as enacted by section 2 of *The Separate Schools Amendment Act, 1964* and amended by section 2 of *The Separate Schools Amendment Act, 1966* and subsection 2 of section 2 of *The Separate Schools Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 368, s. 22,  
subs. 12a  
(1964, c. 108,  
s. 2),  
re-enacted

(12a) A separate school board and a public school board may enter into an agreement in respect of the provision of education in a school under the jurisdiction of the public school board for pupils of the separate school board in a course or courses that are not available in a school under the jurisdiction of the separate school board, or that are considered by the separate school board to be not readily accessible to the pupils in respect of whom the agreement is made where,

Agreements  
for edu-  
cation of  
separate  
school pupils  
in public  
school

(a) the appropriate supervisory officer of the public school board certifies that accommodation is available in such school for such pupils; and

(b) the separate school board pays a fee for each such pupil calculated in accordance with section 100a of *The Schools Administration Act*.

R.S.O. 1960,  
c. 361

2. Clauses *e*, *h* and *j* of subsection 1 of section 74 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 368, s. 74  
(1968, c. 125,  
s. 6), subs. 1,  
cls. *e*, *h*, *j*,  
re-enacted

(e) "county municipality" means a municipality that forms part of a county for municipal purposes and

includes

includes a municipality, other than a city, that forms part of a regional municipality;

1970, c. 32

(h) "district municipality" means a municipality, except a city, in a territorial district, and includes an area municipality as defined in *The District Municipality of Muskoka Act, 1970*;

(j) "separate school supporter" in a combined separate school zone means,

(i) in a municipality, a person whose name is entered on the last revised voters' list as qualified to vote at the municipal elections of the municipality and appears thereon as a supporter of a separate school, and

(ii) in territory without municipal organization, a person who is of the full age of twenty-one years, a British subject and a Roman Catholic and whose name is entered on the last revised assessment roll for such territory as a supporter of a separate school.

R.S.O. 1960,  
c. 368, s. 80  
(1968, c. 125,  
s. 6), subs. 6,  
re-enacted

**3.** Subsection 6 of section 80 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is repealed and the following substituted therefor:

Decision of  
arbitrators

(6) The decision of a majority of the arbitrators under subsection 2 or 3 shall be made on or before the 31st day of July, 1970, except a decision in respect of a teacher's contract under clause *f* of subsection 1 which shall be made on or before the 1st day of May, 1969, and, subject to subsection 6*b*, every such decision is final.

Implemen-  
tation of  
decision

(6*a*) A decision under subsection 2 or 3 or an amended decision under subsection 6*b* shall not be implemented before the 1st day of January, 1971, but the provisions of this subsection shall not operate so as to prevent the implementation before the 15th day of June, 1970, of,

(*a*) a decision in respect of a teacher's contract under clause *f* of subsection 1; or

(*b*) a decision, other than a decision referred to in clause *a*, that has been implemented in whole or in part before such date.

(6*b*)

- (6b) Where, subsequent to the decision of the arbitrators referred to in subsection 6, a matter or condition that was not evident at the time the decision was made is brought to the attention of the county or district combined separate school board before the 30th day of September, 1970, the county or district combined separate school board, where no part of the decision, other than a decision in respect of a teacher's contract under clause *f* of subsection 1, has been implemented before the 15th day of June, 1970, shall, before the 15th day of October, 1970, refer the matter or condition to the arbitrators who shall, prior to the 15th day of November, 1970, make a decision in relation to such matter or condition in accordance with this section, and may amend their former decision accordingly, and the provisions of subsection 5 apply *mutatis mutandis*. Amended decision

- (6c) For the purposes of subsection 6b, where an arbitrator appointed under subsection 2, 3 or 4 is unable for any reason to act, a person qualified in accordance with subsection 2 shall be appointed to fill the vacancy by the board, or by the arbitrators, that appointed the arbitrator who is unable to act. Vacancy in arbitrators

4. Section 81 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is amended by adding thereto the following subsections: R.S.O. 1960, c. 368, s. 81 (1968, c. 125, s. 6), subs. 6, re-enacted

- (2) Where the council of a municipality all or part of which is in a county or district combined separate school zone, levies and collects the rates and taxes imposed by the county or district combined separate school board, the council shall, subject to subsections 3 and 5, pay to such board the sums required to be raised by the municipality in the following instalments: Payment of rates to boards
1. 25 per cent of such amounts on the 31st day of March;
  2. 25 per cent of such amounts on the 30th day of June;
  3. 25 per cent of such amounts on the 30th day of September;
  4. 25 per cent of such amounts on the 15th day of December,

and

and in case of non-payment of such instalment or any portion thereof on such dates, the municipality so in default shall pay to the board interest thereon from the day of default to the date that the payment is made at the minimum lending rate of the majority of chartered banks on the day of default and where, with the consent of the board, such instalments or any portion thereof are paid in advance of such dates, the board shall allow to the municipality a discount thereon from the date of payment to the date upon which the payment is due at the minimum lending rate of the majority of chartered banks on the date of payment.

**Agreements**

- (3) Where a county or district combined separate school board has requested the municipalities that are in whole or in part within the county or district combined separate school zone to levy and collect the rates or taxes imposed by the board, the board may, by agreement with a majority of the municipalities in which it has jurisdiction, where such municipalities represent at least two-thirds of the assessment of the property in the combined zone rateable for separate school purposes as equalized in accordance with subsection 1 of section 59b, provide for any number of instalments and amounts and due dates thereof other than those provided in subsection 2, which shall be applicable to every municipality all or part of which is within the combined zone, and otherwise subsection 2 applies *mutatis mutandis*.

**Termination  
of agreement**

- (4) Where an agreement under subsection 3 does not provide for its termination, it shall continue in force from year to year until it is terminated on the 31st day of December in any year by notice given before the 31st day of October in such year,
- (a) by the secretary of the county or district combined separate school board as authorized by a resolution of the board; or
- (b) by the clerks of the majority of the municipalities which represent at least two-thirds of the assessment of the property in the combined zone rateable for separate school purposes as equalized in accordance with subsection 1 of section 59b,

and where no agreement is in effect under subsection 3, the payments shall be made as provided in subsection 2.

- (5) Where in any year a municipality is required to levy and collect the rates or taxes imposed by a county or district combined separate school board, and, for any reason, the rates to be levied have not been submitted to the council of the municipality before the date upon which an instalment is due, the amount of the instalment shall be based upon the rates submitted in the previous year and paid on the due date, and in the case of late payment or prepayment of all or part of such instalment, the interest or discount under subsection 2 shall apply thereto, and the necessary adjustment shall be made in the instalment due next following the date upon which the rates are received.

Where instalment due before rates to be levied submitted to council

5.—(1) Subsection 5 of section 84 of *The Separate Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6), subs. 5, re-enacted

- (5) The clerk of the county municipality or the clerk of the organized district municipality, as the case may be, or where there is no organized district municipality in the district combined separate school zone, the clerk of the city, having the greatest equalized residential and farm assessment for separate school purposes in a county or district combined separate school zone, shall make the determination required under subsection 4, and shall, before the 1st day of September in the year of the determination, send by registered mail to the clerk of each city and of each county or district municipality in the combined separate school zone and to the secretary of the county or district combined separate school board, a copy of the determination.
- (5a) Before the 1st day of September in the year in which an election is to be held, a determination shall be made under subsection 4,

Determination under subs. 4, who to make

When determination to be made

- (a) if it is determined under subsection 3 that the number of members of the county or district combined separate school board should be increased or decreased or if the boundaries of the county or district combined separate school zone have been altered, or are to be altered under subsection 2 of section 75, effective the 1st day of January next following the election;

(b) if,

- (i) the boundaries of one or more cities within the county or district combined

separate

separate school zone have been altered or a new city has been erected in the county or district combined separate school zone subsequent to the latest determination made under subsection 4 that did not take into account the altered boundaries or the new city, or

- (ii) the boundaries of one or more cities within the county or district combined separate school zone are to be altered or a new city is to be erected effective the 1st day of January of the year next following the election; and

- (c) in every fourth year following the latest determination under subsection 4,

and, subject to subsection 13, a determination made under subsection 4 is effective until a new determination is required in accordance with this subsection.

R.S.O. 1960,  
c. 368, s. 84  
(1968, c. 125,  
s. 6), subs. 7,  
re-enacted

- (2) Subsection 7 of the said section 84 is repealed and the following substituted therefor:

Distribution  
of trustees  
to be elected  
in county or  
district  
municipalities in  
combined  
zone

- (7) With respect to the county municipalities in a county combined separate school zone and the district municipalities in a district combined separate school zone, the clerks of the three county municipalities or the clerks of the three organized district municipalities, as the case may be, having successively the greatest equalized residential and farm assessment for separate school purposes in the combined separate school zone, and where there are fewer than three organized district municipalities in the district combined separate school zone, the clerks of all such municipalities, shall determine, before the 1st day of September in each year in which,

- (a) a determination is made in accordance with subsection 5a; or

- (b) an election is to be held and the boundaries of one or more county or district municipalities have been altered subsequent to the latest determination under this subsection, or are to be altered effective on or before the 1st day of January next following the election,

the

the county or district municipality or municipalities to be represented by each trustee to be elected in the county or district municipalities in the combined separate school zone, but in no case where two or more trustees are to be elected in the county or district municipalities shall the determination provide for a trustee to be elected by a general vote of all the separate school supporters of the county or district municipalities, and such determination is effective until a new determination is required under this subsection.

- (7a) Where the determination under subsection 7 is not made before the 1st day of September, the clerk of the county municipality or of the district municipality, as the case may be, having the greatest equalized residential and farm assessment for separate school purposes in the combined separate school zone, shall refer the matter to the judge, who shall make the determination before the 1st day of October in accordance with subsection 9, and his decision is final. Where judge to make determination

- (3) Subsection 10 of the said section 84 is amended by inserting after "or" in the twenty-second line "where he determines that the determination was made in accordance with subsection 9", so that the subsection shall read as follows: R.S.O. 1960, c. 368, s. 84 (1968, c. 125 s. 6), subs. 10, amended

- (10) Where the determination made by the clerks of the county or district municipalities under subsection 7 allots to a municipality or to a combination of municipalities a percentage of the total number of trustees to be elected by the separate school supporters of all the county or district municipalities in the combined separate school zone that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for separate school purposes in the part of such zone in the municipality or combination of municipalities is of the total equalized residential and farm assessment of the property rateable for separate school purposes in the whole of such zone, the council of the municipality or the council of any municipality in such combination of municipalities, as the case may be, may, within fifteen days after notice of the determination has been mailed, appeal the determination to the county or district judge who, before the 1st day of October, shall either re-apportion the number of trustees in accordance with Appeal from determination

subsection 9 or, where he determines that the determination was made in accordance with subsection 9, confirm the determination, and his decision is final.

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6),  
subs. 12, cl. b, amended

(4) Clause *b* of subsection 12 of the said section 84 is amended by striking out "7" in the third line and inserting in lieu thereof "7a", so that the clause shall read as follows:

(b) before the 1st day of October in each year in which a determination is made by the judge under subsection 7a or 10, a copy of the determination.

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6),  
amended

(5) The said section 84, as amended by section 8 of *The Separate Schools Amendment Act, 1968-69*, is further amended by adding thereto the following subsections:

New determination where former determination improper

(13a) Where the council of a municipality, or a county or district combined separate school board on behalf of any territory without municipal organization that is deemed a district municipality, after the period for an appeal under this section, and notwithstanding a decision made in respect of such appeal, is of the opinion that the composition of the board of a combined separate school zone was not determined in accordance with the provisions of this section, the council or the board may, before the 1st day of May in the year of the next following election, apply to the judge to have the determination set aside and, where the judge finds that the determination was not made in accordance with the provisions of this section, he shall order a new determination to be made, and the determination so made, subject to an appeal under subsection 10 or subsection 13, shall apply to the election next following such determination, and the board in respect of which the application to the judge is made shall be deemed to have been properly constituted notwithstanding any defect in its composition.

New determination in 1970

(13b) Notwithstanding the date referred to in subsection 13a, an application to the judge under such subsection in the year 1970 may be made on or before the 15th day of July.

R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6),  
subs. 14, re-enacted

(6) Subsection 14 of the said section 84 is repealed and the following substituted therefor:

Where election by general vote and where by areas

(14) The number of trustees of a county or district combined separate school board to be elected in a municipality shall be elected by a general vote of the

separate school supporters of such board in the municipality, provided that, where it is determined under this section that the number of trustees to be elected to the board by the separate school supporters in the municipality is two or more, the council of the municipality may, by by-law, divide the municipality into two or more areas and provide for the election of one or more of such trustees by the separate school supporters in each of such areas.

- (14a) A by-law for the purpose mentioned in subsection 14 and a by-law repealing any such by-law shall not be passed later than the 1st day of November in the year of the election and shall take effect for the purpose of the election next after the passing of the by-law and remains in force until repealed. Time for passing by-law

(7) Clause *a* of subsection 15 of the said section 84 is amended by inserting after "area" in the fifth line "who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified", so that the clause shall read as follows: R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6) subs. 15, cl. a, amended

- (a) the nominations for such trustees shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for the purposes of such board in the combined area, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

(8) Clause *b* of subsection 15 of the said section 84 is amended by striking out "clerk of the municipality in which the nominations were held" in the fourth and fifth lines and inserting in lieu thereof "returning officer referred to in clause *a*", so that the clause shall read as follows: R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6) subs. 15, cl. b, amended

- (b) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the vote.

(9) Subsections 17, 18, 19 and 20 of the said section 84 are repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 84 (1968, c. 125, s. 6) subss. 17-20, re-enacted

Biennial  
elections

- (17) The trustees of a county or district combined separate school board shall be elected for a term of two years and the election of such trustees shall take place in the year 1968 and in every second year thereafter.

Where no  
municipal  
election  
in any year

- (18) Where in a municipality there is no provision for municipal elections in the year 1968 or in any second year thereafter, the council of the municipality shall provide for the election of trustees of the county or district combined separate school board in the year 1968 and in every second year thereafter.

Manner of  
election

- (19) An election of trustees of a county or district combined separate school board shall be conducted in a municipality by the same officers and in the same manner as municipal elections in the municipality, and,

(a) the meetings of separate school supporters for the nomination of candidates for a county or district combined separate school board shall be held on the second Monday preceding the first Monday in December;

(b) the day for polling shall be the first Monday in December and the polls shall be open between the hours of 10 o'clock in the forenoon and 8 o'clock in the afternoon, except that, where a municipal election is being held on the same day, the polls shall be open between the same hours as for the municipal election;

(c) the council of every municipality in which a nomination meeting is to be held shall, before the 1st day of November in the year 1968 and in every second year thereafter, pass a by-law naming the date, time and place at which the nomination meeting shall be held, and the clerk of such municipality shall, within forty-eight hours of the passing of the by-law, notify the returning officer of each municipality concerned who shall advertise the date, time and place of the nomination meeting as provided in section 45 of *The Municipal Act*; and

(d) the council of a municipality may by by-law provide for advance polls, and section 90 of *The Municipal Act* applies *mutatis mutandis*.

- (20) The list of voters to be used in an election of trustees of a county or district combined separate school board is, Voters' list

- (a) the voters' list prepared, revised and certified for use in the municipal election in the year of the election of the combined separate school board; or
- (b) where no municipal election is to be held in a municipality in the year of the election of the combined separate school board, the last revised voters' list for the municipality completed in accordance with *The Voters' Lists Act*; or R.S.O. 1960,  
c. 420
- (c) in territory without municipal organization, the last revised assessment roll, excepting therefrom the names of persons who are not British subjects and of persons who are not of the full age of twenty-one years,

except that only persons who are separate school supporters of the combined separate school board may vote at the election of the trustees of such board.

- (20a) Where, in a municipality in which no municipal election is to be held in the year of the election of the combined separate school board, or in territory without municipal organization, the name of a person has been entered on the last revised assessment roll or has been added to the assessment roll under section 44 of *The Assessment Act, 1968-69* and the clerk is satisfied that the person is entitled to have his name entered on the list of voters and his name has not been entered thereon, he may issue a certificate in Form 10 to *The Municipal Act*, authorizing the returning officer or proper deputy returning officer to enter the name of the person on such list. Certificate  
to enter  
name on  
voters' list  
  
1968-69,  
c. 6

- (10) Subsection 23 of the said section 84 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 368, s. 84  
(1968, c. 125,  
s. 6),  
subs. 23,  
re-enacted

- (23) Where the council of a municipality is required to provide for an election of trustees of a county or district combined separate school board in a year other than a year in which the election of the members of the council is held, the county or district combined separate school board shall forthwith after Expenses  
for certain  
elections to  
be repaid to  
municipality

its organization reimburse the treasurer of the municipality for the reasonable expenses incurred by the clerk or any other officer of the municipality for advertising the times and places of nomination meetings and of polls, for printing, for providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, and for the transmission of packets, and for reasonable fees and allowances for services rendered respecting the election of trustees of the board, excluding the cost of preparing the voters' list.

R.S.O. 1960,  
c. 368, s. 85  
(1968, c. 125,  
s. 6),  
amended

**6.** Section 85 of *The Separate Schools Act*, as enacted by section 6 of *The Separate Schools Amendment Act, 1968*, is amended by adding thereto the following subsection:

Person  
not to be  
candidate  
for more  
than one  
seat on  
board

(3a) No person shall qualify himself as a candidate for more than one seat on a county or district combined separate school board, and any person who so qualifies himself and is elected to hold one or more seats on the county or district combined separate school board is not entitled to sit as a member of the board by reason of the election, and his seat or seats are thereby vacated.

Commence-  
ment

**7.**—(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 shall be deemed to have come into force on the 31st day of December, 1969.

Idem

(3) Section 4 comes into force on the 1st day of January, 1971.

Short title

**8.** This Act may be cited as *The Separate Schools Amendment Act, 1970*.

## CHAPTER 65

## An Act to amend The Public Schools Act

*Assented to June 26th, 1970**Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Public Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 330, s. 6,  
amended

(12a) A public school board and a separate school board may enter into an agreement in respect of the provision of education in a school under the jurisdiction of the separate school board for pupils of the public school board in a course or courses that are not available in a school under the jurisdiction of the public school board or that are considered by the public school board to be not readily accessible to the pupils in respect of whom the agreement is made where, Agreements  
for education  
of public  
school pupils  
in separate  
school

(a) the appropriate supervisory officer of the separate school board certifies that accommodation is available in such school for such pupils; and

(b) the public school board pays a fee for each such pupil calculated in accordance with section 100a of *The Schools Administration Act*. R.S.O. 1960,  
c. 361

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Public Schools Amendment Act, 1970*. Short title



## CHAPTER 66

# An Act to amend The Municipality of Metropolitan Toronto Act

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 112 of *The Municipality of Metropolitan Toronto Act* is amended by striking out “contributing toward the cost thereof” in the tenth and eleventh lines and inserting in lieu thereof “paying the whole or part of the cost thereof”, so that the subsection shall read as follows:

- (1) The Commission may provide by contract with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act* or with a corporation to be known as the Toronto Transit Commission Sick Benefit Association, to be established subject to Part VI of *The Corporations Act*, for weekly sick-pay, special service, medical and surgical benefits for employees or any class thereof of the Commission and their wives or husbands and dependent children and retired employees in accordance with this section and for paying the whole or part of the cost thereof.

(2) Subsection 2 of the said section 112, as amended by section 5 of *The Municipality of Metropolitan Toronto Amendment Act, 1967*, is repealed.

**2.** *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

225c.—(1) In this section, “Society” means the Metropolitan Toronto Zoological Society.

- (2) The Metropolitan Council may by by-law delegate to the Society any or all of the Council’s powers to operate and manage a zoological garden and related

facilities established by the Council, and may enter into one or more agreements with the Society entrusting such operation and management to the Society on such terms and conditions as the Council may consider proper.

By-laws  
re: operation  
and  
management

- (3) The Metropolitan Council may by by-law establish general policies to be followed by the Society in the operation and management of the zoological garden and related facilities.

Moneys

- (4) The Metropolitan Corporation may provide moneys to the Society for its purposes, including the operation and management of the zoological garden, but it shall not be responsible for any deficit or debt incurred by the Society unless the deficit or debt was incurred with the approval of the Metropolitan Council.

Society  
deemed not  
to be local  
board

- (5) Notwithstanding any delegation of powers or the making of an agreement between the Metropolitan Corporation and the Society under subsection 2, the Society shall be deemed not to be a local board of the Metropolitan Corporation provided, however, that while such delegation or agreement is in effect, the accounts and transactions of the Society shall be audited by the auditor of the Metropolitan Corporation.

Occupation  
by Society  
deemed  
occupation  
by  
Metropolitan  
Corporation  
1968-69, c. 6

- (6) The occupation, management and control of lands by the Society under an agreement under subsection 1 shall be deemed, for the purposes of subsections 4 and 5 of section 223 of this Act and of paragraph 9 of section 3 of *The Assessment Act, 1968-69*, to be occupation, management and control by the Metropolitan Corporation of lands used for park purposes.

R.S.O. 1960,  
c. 260, s. 258  
(1966, c. 96,  
s. 38),  
amended

**3.** Section 258 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 38 of *The Municipality of Metropolitan Toronto Amendment Act, 1966*, is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the metropolitan levy is apportioned among the area municipalities under subsection 5 of section 230" in the second, third, fourth, fifth and sixth lines and inserting in lieu thereof "in such amounts as it may determine", so that the section shall read as follows:

Grants to  
persons  
engaged in  
work  
advant-  
ageous to  
Metropolitan  
Area

258. The Metropolitan Council may make annual grants, in such amounts as it may determine, to institutions, associations and persons carrying on or engaged in

works

works that in the opinion of the Metropolitan Council are for the general advantage of the inhabitants of the Metropolitan Area and for which grant or grants there is no express authority provided by any other Act.

**4.**—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. <sup>Commence-</sup><sub>ment</sub>

(2) Section 2 shall be deemed to have come into force on the 1st day of January, 1970. <sup>Idem</sup>

**5.** This Act may be cited as *The Municipality of Metro-* <sup>Short title</sup>  
*politan Toronto Amendment Act, 1970.*



## CHAPTER 67

## An Act respecting the Village of Point Edward

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding any other general or special Act, the real property vested in or controlled by the Blue Water Bridge Authority and located in the Village of Point Edward shall not be deemed a highway, lane or other communication or public square for the purposes of paragraph 8 of section 3 of *The Assessment Act, 1968-69* and section 36 of that Act does not apply to the structures of the said Authority and the said real property shall be assessed in accordance with section 27 of *The Assessment Act, 1968-69*. <sup>Assessment of Blue Water Bridge property 1968-69, c. 6</sup>

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**3.** This Act may be cited as *The Village of Point Edward Act, 1970*. <sup>Short title</sup>



## CHAPTER 68

**An Act to amend  
The Sandwich, Windsor and  
Amherstburg Railway Act, 1930**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *a* of section 2 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930* is repealed and the <sup>1930, c. 17,  
s. 2, cl. a,  
re-enacted</sup> following substituted therefor:

(a) “corporation” means The Corporation of the City of Windsor.

(2) The said section 2, as amended by section 1 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, <sup>1930, c. 17,  
s. 2,  
amended</sup> is further amended by adding thereto the following clause:

(g) “council” means the council of the corporation.

**2.** Section 14 of the agreement authorized by *The Hydro-Electric Railway Act, 1914* and confirmed by *The Hydro-Electric Railway Act, 1920*, between The Hydro-Electric Power Commission of Ontario and the municipal corporation of the Township of Sandwich East, the Township of Sandwich West, the Town of Ford City, the Town of Walkerville, the Town of Sandwich, the Town of Ojibway, the Town of Amherstburg and the City of Windsor, as amended by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930* and section 2 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, is struck out and the following substituted therefor:

Agreement  
of Jan. 1st,  
1920,  
amended  
1914, c. 31  
1920, c. 57  
1930, c. 17  
1939, c. 43

14. This agreement shall continue and extend for a period of sixty years from the 4th day of June, 1920, unless terminated at an earlier date by by-law of the corporation.

Assets of  
railway  
vested in  
corporation

3. All of the assets, properties and undertakings of the company of every nature and kind and wheresoever situate are vested in and become the sole property of the corporation subject to the corporation assuming and being charged with the liability for payment of all accounts, debentures and other indebtedness of the company and to the due performance of all obligations of the company in respect of contracts, leases or other agreements entered into or undertaken by the company as if the corporation had incurred such indebtedness or been a party to every such contract, lease or agreement in the place and stead of the company.

Authority  
to operate  
and manage  
railway

4. The corporation has the exclusive authority and jurisdiction to,

- (a) operate the system of public transportation operated by the company;
- (b) delegate the authority to operate and manage the said system to a commission established by by-law of the corporation;
- (c) authorize the company to continue to operate and manage the said system; or
- (d) enter into or authorize the company to enter into an agreement with any person or persons to operate and manage the said system on behalf of the corporation on such terms and conditions as the council may approve.

1930, c. 17,  
s. 3  
(1939, c. 43,  
s. 3);  
subss. 2-6,  
re-enacted

5.—(1) Subsections 2, 3, 4, 5 and 6 of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, as re-enacted by section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, are repealed and the following substituted therefor:

Members of  
company

- (2) The council shall appoint not fewer than three and not more than five persons who shall be the members and directors of the company and who shall hold office during the pleasure of the council and until their respective successors are appointed.

Vacancies

- (3) The council shall fill any vacancies which may occur in such membership of the company.

Qualifica-  
tions of  
membership

- (4) The members so appointed from time to time shall possess the qualifications requisite for election to the council and any member of council shall be eligible for such appointment.

- (5) The council shall designate one of such members as <sup>Chairman</sup> chairman.
- (6) A majority of the members of the company shall <sup>Quorum</sup> constitute a quorum.
- (7) The remuneration, if any, of the members of the <sup>Remuneration</sup> company shall be fixed by the council.
- (8) The company shall furnish such information respect- <sup>Furnishing</sup>ing the affairs of the company as the council may at <sup>of</sup> any time require. <sup>information</sup>

(2) The members of the company who are in office when this <sup>Composition</sup> Act comes into force shall remain in office and continue to <sup>of company</sup> manage the affairs of the company until the members ap- <sup>before</sup> pointed under subsection 2 of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, as re-enacted by <sup>appoint-</sup> subsection 1, are appointed. <sup>ments</sup>

**6.** Subsection 3 of section 9 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939*, as re-enacted by section 1 of <sup>1939, c. 43, s. 9, subs. 3</sup> *The Sandwich, Windsor and Amherstburg Railway Amendment* <sup>(1952, c. 95, s. 1),</sup> <sup>repealed</sup> *Act, 1952*, is repealed.

**7.** Section 11 of *The Sandwich, Windsor and Amherstburg Railway Act, 1939* is repealed. <sup>1939, c. 43, s. 11, repealed</sup>

**8.—(1)** Where an agreement has been entered into with any <sup>Where</sup> person or persons under clause *d* of section 4 to whom is dele- <sup>agreement</sup> gated all or any of the operating authority of the company <sup>entered into</sup> such person or persons may, subject to the restrictions and <sup>with person</sup> limitations binding upon the company, exercise all of the <sup>to operate</sup> powers, rights, authorities and privileges heretofore possessed <sup>railway</sup> by the company in the operation and management of the system of public transportation operated by the company.

(2) Where an agreement has been entered into by the <sup>Idem</sup> company with any person or persons under clause *d* of section 4, the person or persons to whom the operating authority of the company has been delegated shall obtain the approval of the council before exercising any powers or authority relating to the operation of the public transportation system.

**9.** Where the corporation has authorized the company to <sup>Approval</sup> operate and manage the system under clause *c* of section 4, <sup>of council</sup> the company shall obtain the approval of the council before exercising any of its powers or authority.

Exclusive  
authority  
to operate  
public  
transporta-  
tion system

**10.** The authority of the corporation to operate a public transportation system within the limits of the City of Windsor shall be exclusive and notwithstanding the provisions of any general or special Act no person shall operate any public vehicle within the limits of Windsor for the transportation of passengers for hire, within the said City, except conveyances licensed as taxicabs, without the express written consent of the corporation.

Members of  
commission

**11.**—(1) Where a commission is established as provided in section 4, it shall be composed of not fewer than three and not more than five members appointed by the council, all of whom shall be residents of the City of Windsor, to hold office during the pleasure of council.

Chairman

(2) One of such members shall be designated by council as the chairman.

Vacancies

(3) Whenever a vacancy occurs from any cause, the council shall promptly appoint a successor.

Quorum

(4) A majority of the members of the commission shall form a quorum.

Remunera-  
tion

(5) The remuneration, if any, of members of the commission shall be established from time to time by the council.

Commence-  
ment

**12.** This Act comes into force on the day it receives Royal Assent.

Short title

**13.** This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Amendment Act, 1970*.

## CHAPTER 69

## An Act to amend The Corporations Tax Act

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 21 of subsection 1 of section 1 of *The Corporations Tax Act*, as re-enacted by section 1 of *The Corporations Tax Amendment Act, 1968-69 (No. 2)*, is amended by inserting after “corporation” in the second line “with or without share capital”, so that the paragraph shall read as follows:

21. “insurance corporation” or “insurer” means a corporation, with or without share capital, that carries on an insurance business.

(2) Paragraph 32 of subsection 1 of the said section 1, as amended by subsection 3 of section 1 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

32. “registered pension fund or plan” means an employees’ superannuation or pension fund or plan accepted for registration by the Minister of National Revenue for purposes of the *Income Tax Act (Canada)* in respect of its constitution and operations for the fiscal year under consideration.

2.—(1) Subsection 10a of section 4 of *The Corporations Tax Act*, as enacted by subsection 2 of section 3 of *The Corporations Tax Amendment Act, 1968-69 (No. 2)*, is amended by adding at the end thereof “that are included in computing its income”, so that the subsection shall read as follows:

- (10a) Notwithstanding subsection 5, the proportion of the taxable income of an insurance corporation, other than an insurance corporation to which subsection 10 applies, that shall be deemed to have been

earned

earned in a fiscal year in a province or territory of Canada, outside Ontario, is that proportion of its taxable income for the fiscal year that the aggregate of,

- (a) its net premiums for the year in respect of insurance on properties situated in that province or territory of Canada, outside Ontario; and
- (b) its net premiums for the year in respect of insurance, other than on property, from contracts from persons resident in that province or territory of Canada, outside Ontario,

is of the total net premiums for the fiscal year in respect of insurance on properties situated in Canada and with respect to contracts with persons resident in Canada that are included in computing its income.

R.S.O. 1960,  
c. 73, s. 4,  
subs. 35  
(1962-63,  
c. 26, s. 1,  
subs. 1),  
re-enacted

(2) Subsection 35 of the said section 4, as re-enacted by subsection 1 of section 1 of *The Corporations Tax Amendment Act, 1962-63* and amended by subsection 2 of section 2 of *The Corporations Tax Amendment Act, 1967*, is repealed and the following substituted therefor:

Foreign  
tax credits

- (35) Where a corporation has a permanent establishment in Ontario and has received income in the fiscal year in the form of dividends, interest, rents or royalties that was derived from sources within a jurisdiction outside Canada or is deemed to have received income in the form of dividends and interest from a country outside Canada by virtue of the provisions of subsection 5 of section 79D of the *Income Tax Act* (Canada), hereinafter in this subsection referred to as "foreign investment income", or where a corporation having received foreign investment income in the fiscal year from sources within a jurisdiction outside Canada also received income in the fiscal year from a business carried on by it in that jurisdiction, hereinafter in this subsection referred to as "foreign business income", and where, for the purposes of subsection 1a of section 41 of the *Income Tax Act* (Canada), such foreign investment income has not been included as part of such foreign business income, and, for the purposes of subsections 5, 17, 18, 20, 22, 23 and 33, or such of those subsections as are applicable, has been excluded when calculating its gross revenue, or any

R.S.C. 1952,  
c. 148

part thereof, and where the corporation is entitled to a deduction under section 41 of the *Income Tax Act* (Canada), hereinafter in this subsection referred to as "foreign tax credit", with respect to any income or profits tax paid to such jurisdiction on such foreign investment income or on such foreign investment income and foreign business income or is deemed to have been paid as income or profits tax to such jurisdiction by virtue of the provisions of subsection 5 of section 79D of the *Income Tax Act* (Canada), the corporation may deduct from the tax otherwise payable under this section an amount equal to the lesser of,

(a) 10 per cent of that part of such foreign investment income that is included in that portion of taxable income that remains after deducting from such taxable income the portions thereof deemed to have been earned in jurisdictions other than Ontario measured in accordance with subsections 5 to 34; or

(b) the proportion of the deficiency between the foreign tax credit that would be allowed if no provincial tax abatement under section 40 of the *Income Tax Act* (Canada) were applicable and the foreign tax credit that is allowed when the provincial tax abatement provided by section 40 of the *Income Tax Act* (Canada) has been applied which,

(i) the amount of that portion of its taxable income for the fiscal year that is deemed to have been earned in Ontario measured in accordance with subsection 2 of section 40 of the *Income Tax Act* (Canada),

bears to,

(ii) the total amount of the portions of its taxable income for the fiscal year that are deemed to have been earned in the provinces of Canada measured in accordance with subsection 2 of section 40 of the *Income Tax Act* (Canada).

(3) Subsection 37 of the said section 4, as amended by R.S.O. 1960, c. 73, s. 4, subs. 37, amended subsections 3 and 4 of section 3 of *The Corporations Tax Amendment Act, 1961-62* and subsections 3 and 4 of section 3

of *The Corporations Tax Amendment Act, 1968*, is further amended by striking out "No tax is payable under this section by a corporation for a fiscal year when that corporation was" in the first and second lines and inserting in lieu thereof "No tax is payable under this section upon the taxable income of a corporation for a period when that corporation was".

R.S.O. 1960,  
c. 73, s. 4,  
subs. 37,  
cl. 6  
(1968,  
c. 20, s. 3,  
subs. 3),  
subcl. ii,  
re-enacted

(4) Subclause ii of clause *o* of subsection 37 of the said section 4, as re-enacted by subsection 3 of section 3 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

(ii) from bonds, debentures or other securities issued or guaranteed by,

(A) the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by subsection 1 of section 2 of the *Bretton Woods Agreements Act*, or

R.S.C. 1952  
c. 19

(B) the Inter-American Development Bank,

the income from which securities is payable in Canadian currency, or

. . . . .

R.S.O. 1960,  
c. 73, s. 5a  
(1968-69,  
c. 19, s. 5),  
re-enacted

**3.** Section 5a of *The Corporations Tax Act*, as enacted by section 5 of *The Corporations Tax Amendment Act, 1968-69* (No. 2), is repealed and the following substituted therefor:

Apportion-  
ment of  
capital and  
other special  
tax

5a. Where a corporation has a fiscal year of less than 365 days, the tax otherwise payable by it under section 5, 7, 8, 9, 10 or 11 shall be in the proportion thereof that the number of days of such fiscal year bears to 365, except that this section does not apply,

(a) to any corporation to which subsection 1a, 17 or 18 of section 5 applies; or

(b) to any corporation the fiscal year of which does not end on the same date each year, but that has been accepted for purposes of assessment under this Act.

4. Section 17 of *The Corporations Tax Act* is amended by adding thereto the following clauses: R.S.O. 1960,  
c. 73, s. 17,  
amended

(ia) amounts that the corporation became entitled to receive in the fiscal year upon the disposition of an interest in a life insurance policy, to the extent provided by section 53b; insurance  
policy  
proceeds

(ib) amounts allocated to the corporation in the fiscal year by an insurer as provided by section 53b. allocations  
under  
insurance  
policies

5.—(1) Subsection 2 of section 18 of *The Corporations Tax Act*, as enacted by section 6 of *The Corporations Tax Amendment Act, 1961-62*, is amended by striking out “and” in the forty-third line and inserting in lieu thereof “that”. R.S.O. 1960,  
c. 73, s. 18,  
subs. 2  
(1961-62,  
c. 23, s. 6),  
amended

(2) Clause *c* of subsection 5 of the said section 18, as enacted by section 3 of *The Corporations Tax Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 73, s. 18,  
subs. 5  
(1964,  
c. 11, s. 3),  
cl. *c*,  
re-enacted

(c) in satisfaction of the rights of the corporation under a life annuity contract, as defined by regulation, that was entered into before the 14th day of June, 1963, except to the extent that the amount so received exceeds the aggregate of,

(i) the value of its rights under the contract on the second anniversary date of the contract to occur after the 22nd day of October, 1968, and

(ii) the aggregate of premiums paid by the corporation under the contract after the said second anniversary date.

6.—(1) Subclauses i and ii of clause *a* of subsection 1 of section 22 of *The Corporations Tax Act*, as amended by subsection 1 of section 11 of *The Corporations Tax Amendment Act, 1968*, are repealed and the following substituted therefor: R.S.O. 1960,  
c. 73, s. 22,  
subs. 1, cl. *a*,  
subs. 1, ii,  
re-enacted

(i) borrowed money used for the purpose of earning income from a business or property, other than borrowed money used to acquire property the income from which would be exempt or to acquire an interest in a life insurance policy,

(ii) an amount payable for property acquired for the purpose of gaining or producing income therefrom or for the purpose of gaining or producing income

from

from a business, other than property the income from which would be exempt or property that is an interest in a life insurance policy, or

. . . . .

R.S.O. 1960,  
c. 73, s. 22,  
subs. 1,  
cl. ii,  
repealed

(2) Clause *n* of subsection 1 of the said section 22 is repealed.

R.S.O. 1960,  
c. 73, s. 22,  
subs. 7,  
re-enacted

(3) Subsection 7 of the said section 22 is repealed and the following substituted therefor:

Idem

(7) For greater certainty, it is hereby declared that where a corporation has used borrowed money,

(a) to repay money previously borrowed; or

(b) to pay an amount payable for property described in subclause ii of clause *a* of subsection 1 previously acquired,

the borrowed money shall, for the purposes of section 66*a* and for clause *a* or *g* of subsection 1, be deemed to have been used for the purpose for which the money previously borrowed was used or was deemed by this subsection to have been used, or to acquire the property in respect of which the said amount was so payable, as the case may be.

R.S.O. 1960,  
c. 73, s. 28  
(1965,  
c. 22, s. 7),  
amended

**7.** Section 28 of *The Corporations Tax Act*, as enacted by section 7 of *The Corporations Tax Amendment Act, 1965*, is amended by adding thereto the following subsections:

Unpaid  
remuneration

(3) Where an amount in respect of a deductible outlay or expense that was owing by a corporation to a person as salary, wages or other remuneration in respect of an office or employment is unpaid at the end of the first fiscal year following the fiscal year in which the outlay or expense was incurred,

(a) the amount so unpaid shall be included in computing the corporation's income for the second fiscal year following the fiscal year in which the outlay or expense was incurred; or

(b) where the corporation and that person have filed an agreement in prescribed form on or before the day on or before which the corporation is required by section 71 to file its return of income for the first fiscal year

following

following the fiscal year in which the outlay or expense was incurred, for the purposes of this Act the following rules apply,

- (i) the amount so unpaid shall be deemed to have been paid by the corporation and received by that person on the first day of the said second fiscal year, and
  - (ii) that person shall be deemed to have made a loan to the corporation on the first day of the said second fiscal year in an amount equal to the amount so unpaid minus the amount, if any, deducted or withheld therefrom by the corporation on account of that person's tax for the said second fiscal year.
- (4) Where an amount in respect of a deductible outlay or expense described in subsection 3 that was owing by a corporation is unpaid at the time when the corporation is wound up, and the corporation is wound up before the end of the first fiscal year following the fiscal year in which the outlay or expense was incurred, the amount so unpaid shall be included in computing the corporation's income for the fiscal year in which it is wound up. Where unpaid at time corporation wound up
- (5) Subsection 1 does not apply in any case where subsection 3 applies and subsection 2 does not apply in any case where subsection 4 applies. Application
- (6) Where, in respect of an amount described in subsection 1 or 3 that was owing by a corporation to a person, an agreement in prescribed form for the purposes of this section is filed after the day on or before which the agreement is required to be filed for purposes of clause *b* of subsection 1 or clause *b* of subsection 3, as the case may be, both clauses *a* and *b* of subsection 1 or clauses *a* and *b* of subsection 3, as the case may be, apply in respect of the said amount, except that clause *a* of subsection 1 or clause *a* of subsection 3, as the case may be, shall be read and construed as requiring 25 per cent only of the said amount to be included in computing the corporation's income. Late filing

**8.—**(1) Clause *a* of subsection 13 of section 31 of *The Corporations Tax Act*, as enacted by subsection 5 of section 14 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 73, s. 31,  
subs. 13  
(1968, c. 20,  
s. 14,  
subs. 5),  
cl. *a*,  
re-enacted

(a) subsection 1 does not apply to the proceeds of disposition,

(i) if an amount at least equal to the proceeds of disposition is used by the corporation, before 1974 and during the fiscal year of the corporation in which the vessel is disposed of or within four months from the end of that fiscal year, under conditions satisfactory to the Minister, either for replacement or to incur any conversion cost with respect to a vessel owned by the corporation, or

(ii) if the Minister certifies that the corporation has, on satisfactory terms, deposited,

(A) on or before the day on which it is required to file a return of its income for the fiscal year in which the vessel was disposed of, or

(B) on or before such day subsequent to the day referred to in subclause A, as the Minister may specify in respect of the corporation,

an amount at least equal to the tax that would, but for this subsection, be payable by the corporation under this Act in respect of the proceeds of disposition, or satisfactory security therefor, as a guarantee that the proceeds of disposition will be used before 1974 for replacement; and

. . . . .

R.S.O. 1960,  
c. 73, s. 31,  
subs. 17  
(1968,  
c. 20, s. 14,  
subs. 6),  
re-enacted

(2) Subsection 17 of the said section 31, as enacted by subsection 5 of section 14 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor:

Disposition  
of deposits

(17) All or any part of a deposit made under subclause ii of clause a of subsection 13 may be paid out to or on behalf of any corporation which, under conditions satisfactory to the Minister and as a replacement for the vessel disposed of, acquires a vessel before 1974,

(a) that was constructed in Canada and is registered in Canada or is registered under conditions satisfactory to the Minister in any country or territory to which the British

Commonwealth Merchant Shipping Agreement (signed at London on the 10th day of December, 1931) applies; and

- (b) in respect of the capital cost of which no allowance has been made to any other corporation under this Act or the *Canadian Vessel Construction Assistance Act* (Canada) or the *Income Tax Act* (Canada),

R.S.C. 1952,  
cc. 43, 148

or incurs any conversion cost with respect to a vessel owned by the corporation that is registered in Canada or is registered under conditions satisfactory to the Minister in any country or territory to which the said British Commonwealth Merchant Shipping Agreement applies, but the ratio of the amount paid out to the amount of the deposit shall not exceed the ratio of the capital cost to it of the vessel or the conversion cost to it of the vessel, as the case may be, to the proceeds of disposition of the vessel disposed of; and any deposit or part of a deposit not so paid out before 1974 or not paid out pursuant to subsection 18 shall be paid to the Treasurer of Ontario.

- (3) The said section 31 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 73, s. 31,  
amended

- (18) Notwithstanding any other provision of this section, where a deposit was made by a corporation under subclause ii of clause *a* of subsection 13 and the proceeds of disposition in respect of which the deposit was made are not used by any corporation before 1974 under conditions satisfactory to the Minister as a replacement for the vessel disposed of,

Idem

- (a) to acquire a vessel described in clauses *a* and *b* of subsection 17; or
- (b) to incur any conversion cost with respect to a vessel owned by that corporation that is registered in Canada or is registered under conditions satisfactory to the Minister in any country or territory to which the British Commonwealth Merchant Shipping Agreement applies,

the Minister may refund to the corporation the deposit, or the part thereof not paid out to the corporation under subsection 17, as the case may be,

in

in which case there shall be added, in computing the income of the corporation for the fiscal year of the corporation in which the vessel was disposed of, that proportion of the amount that would have been included in computing its income by virtue of subsection 1 had the deposit not been made under subclause ii of clause *a* of subsection 13, that the portion of the proceeds of disposition not so used before 1974 as such a replacement is of the proceeds of disposition; and notwithstanding any other provision of this Act such reassessments of tax, interest or penalties shall be made as are necessary to give effect to this subsection.

R.S.O. 1960,  
c. 73, s. 39,  
subs. 3,  
re-enacted

**9.** Subsection 3 of section 39 of *The Corporations Tax Act* is repealed and the following substituted therefor:

*Idem*

- (3) Paragraph 3 of subsection 1 does not apply to permit a corporation to deduct, for the purpose of computing its taxable income for a fiscal year, such part of a loss from farming sustained by it in another fiscal year as was not by virtue of section 24, deductible in computing its income for that other fiscal year, except to the extent of its income, if any, for the fiscal year from farming.

R.S.O. 1960,  
c. 73, s. 43  
(1968-69,  
c. 19, s. 12),  
subs. 1,  
re-enacted

**10.—(1)** Subsection 1 of section 43 of *The Corporations Tax Act*, as re-enacted by section 12 of *The Corporations Tax Amendment Act, 1968-69 (No. 2)*, is repealed and the following substituted therefor:

Insurance  
corporation  
and insurer  
defined

- (1) For the purpose of this section, an “insurance corporation” or “insurer” means any corporation with or without share capital, to which section 68A of the *Income Tax Act (Canada)* applies.

R.S.C. 1952,  
c. 148

R.S.O. 1960,  
c. 73, s. 43  
(1968-69,  
c. 19, s. 12),  
subs. 2,  
amended

- (2) Subsection 2 of the said section 43 is amended by inserting after “that” in the seventh line “for the purpose of section 4”, so that the subsection shall read as follows:

Calculation  
of taxable  
income

- (2) Notwithstanding any other provision of this Act and in order that insurance corporations or insurers may be dealt with under this Act as they will be dealt with under Part I of the *Income Tax Act (Canada)* for fiscal years commencing or ending in 1969 and for subsequent fiscal years, it is hereby declared that for the purpose of section 4, the taxable incomes of such corporations for the purposes of this Act shall be the same as the taxable incomes of such corporations as determined for the purposes of Part I of the *Income Tax Act (Canada)*.

R.S.C. 1952,  
c. 148

**11.** Section 44 of *The Corporations Tax Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 73, s. 44,  
re-enacted

44. Where a life insurance corporation that is incorporated under the laws of a province has applied an amount in payment for shares of the corporation purchased by it under the authority of a law of the province that provides for the conversion of the corporation into a mutual corporation by the purchase of its shares in accordance with the provisions of such law, Conversion  
of provincial  
life  
insurance  
corporation  
into mutual  
corporation

(a) section 19 does not apply to require the inclusion, in computing the income of a shareholder of the corporation, of any part of that amount; and

(b) no part of that amount shall be deemed for the purposes of subsection 2 of section 43 to have been paid to shareholders or, for the purposes of section 54, to have been received as a dividend.

**12.** Section 49 of *The Corporations Tax Act* is repealed. R.S.O. 1960,  
c. 73, s. 49,  
repealed

**13.** Section 53 of *The Corporations Tax Act*, as re-enacted by section 25 of *The Corporations Tax Amendment Act, 1968*, is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 73, s. 53  
(1968,  
c. 20, s. 25),  
amended

(1a) The Minister shall be deemed to have accepted for registration as a supplementary unemployment benefit plan under this Act every supplementary unemployment benefit plan that is accepted for registration by the Minister of National Revenue for Canada as a supplementary unemployment benefit plan under section 79A of the *Income Tax Act* (Canada). Plan  
deemed  
accepted  
  
R.S.C. 1952,  
c. 148

. . . . .

(4) There shall be included in computing the income for a fiscal year of a corporation that, as an employer, has made any payment to a trustee under a supplementary unemployment benefit plan, any amount received by the corporation in the year as a result of an amendment to or modification of the plan or as a result of the termination or winding up of the plan. Amounts  
received on  
amendment  
or winding  
up of plan

**14.** *The Corporations Tax Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 73,  
amended

Amounts  
included in  
computing  
policy-  
holder's  
income

53b. Where a corporation to which the provisions of section 79D of the *Income Tax Act* (Canada) apply, it is hereby declared that the amount to be included in its income for the purposes of this section shall be the same as is required to be included for the purposes of section 79D of the *Income Tax Act* (Canada).

R.S.O. 1960,  
c. 73, s. 57,  
subs. 4c  
(1966,  
c. 30, s. 9,  
subs. 3),  
amended

**15.**—(1) Subsection 4c of section 57 of *The Corporations Tax Act*, as re-enacted by subsection 3 of section 9 of *The Corporations Tax Amendment Act, 1966*, is amended by inserting after “1962” in the fourth line “and before the 23rd day of October, 1968”.

R.S.O. 1960,  
c. 73, s. 57,  
subs. 4d, 4e  
(1962-63,  
c. 26, s. 8,  
subs. 6),  
re-enacted

(2) Subsections 4d and 4e of the said section 57, as enacted by subsection 6 of section 8 of *The Corporations Tax Amendment Act, 1962-63*, are repealed and the following substituted therefor:

*Idem*

(4ca) Where a right, licence or privilege described in subsection 4c was disposed of after the 22nd day of October, 1968,

(a) by a corporation described in subsection 3b; or

(b) by a corporation, other than a corporation described in subsection 3b, that was at the time of acquisition of such right, licence or privilege a corporation described in subsection 3b,

the amount receivable by the corporation as consideration for the disposition thereof shall be included in computing its income for its fiscal year in which the disposition was made, notwithstanding that the amount or any part thereof may not be received until a subsequent fiscal year.

*Idem*

(4d) Where a right, licence or privilege to explore for, drill for or take in Canada petroleum, natural gas or other related hydrocarbons, except coal, that was acquired after the 10th day of April, 1962, by a corporation other than a corporation described in subsection 3b is subsequently disposed of,

(a) before the 23rd day of October, 1968, any amount received by the corporation as consideration for the disposition thereof shall be included in computing its income for the fiscal year of the corporation in which the amount was received; or

(b)

(b) after the 22nd day of October, 1968, the amount receivable by the corporation as consideration for the disposition thereof shall be included in computing its income for the fiscal year of the corporation in which the disposition was made, notwithstanding that the amount or any part thereof may not be received until a subsequent fiscal year.

(4e) Subsections 4c, 4ca, and 4d do not apply to any <sup>Idem</sup> disposition by a corporation of any right, licence or privilege described in subsection 4b or 4c unless such right, licence or privilege was acquired by the corporation under an agreement, contract or arrangement described in subsection 4b.

(3) Subsection 4f of the said section 57, as enacted by <sup>R.S.O. 1960,</sup> subsection 6 of section 8 of *The Corporations Tax Amendment Act, 1962-63*, is amended by inserting after "4c" in the first <sup>c. 73, s. 57,</sup> line "4ca". <sup>subs. 4f (1962-63,</sup>  
<sup>c. 26, s. 8,</sup>  
<sup>subs. 6),</sup>  
<sup>amended</sup>

**16.**—(1) Subsection 1 of section 60 of *The Corporations Tax Act*, as amended by subsection 1 of section 20 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by <sup>R.S.O. 1960,</sup> striking out "and" at the end of clause d, by striking out <sup>c. 73, s. 60,</sup> clause e, and by adding thereto the following clauses: <sup>subs. 1,</sup>  
<sup>amended</sup>

(da) where pursuant to subsection 4ca or 4d of section 57, an amount has been included in computing the corporation's income for the fiscal year or for a previous fiscal year in respect of the disposition after the 22nd day of October, 1968, of a right, licence or privilege described in that subsection and that amount or a part thereof is not receivable until a day that is after the end of the fiscal year, there may be deducted as a reserve in respect of that amount the part thereof that is not receivable until a day that is after the end of the fiscal year, and no deduction may be made in respect of that amount by virtue of clause d; and

(e) there shall be included the amounts deducted under clauses c, d and da in computing the income of the corporation for the immediately preceding fiscal year.

(2) Subsection 5 of the said section 60, as re-enacted by <sup>R.S.O. 1960,</sup> subsection 2 of section 20 of *The Corporations Tax Amendment Act, 1961-62*, is repealed. <sup>c. 73, s. 60,</sup>  
<sup>subs. 5</sup>  
<sup>(1961-62,</sup>  
<sup>c. 23, s. 20,</sup>  
<sup>subs. 2),</sup>  
<sup>repealed</sup>

R.S.O. 1960,  
c. 73, s. 60,  
amended

(3) The said section 60 is amended by adding thereto the following subsection:

Idem

(7aa) Clause *da* of subsection 1 does not apply to allow a deduction in computing the income of a corporation for a fiscal year where the corporation, at any time in the fiscal year or in the immediately following fiscal year,

- (a) ceases to have a permanent establishment in Canada;
- (b) becomes exempt from tax under any provision of this Act; or
- (c) if incorporated outside Canada ceases to be liable for the income taxes imposed under the Act.

R.S.O. 1960,  
c. 73, s. 64  
(1966,  
c. 30, s. 10),  
re-enacted

**17.** Section 64 of *The Corporations Tax Act*, as re-enacted by section 10 of *The Corporations Tax Amendment Act, 1966*, is repealed and the following substituted therefor:

Special  
mortgage  
reserve

64. In computing the income for a fiscal year of a corporation whose business includes the lending of money on the security of a mortgage, hypothec or agreement of sale of real property,

- (a) there shall be deducted and allowed as a reserve the same amount as is deducted and allowed for each fiscal year under clause *a* of section 85G of the *Income Tax Act* (Canada); and
- (b) there shall be included the same amount as is included for each fiscal year under clause *b* of section 85G of the *Income Tax Act* (Canada).

R.S.C. 1952,  
c. 148

**18.** *The Corporations Tax Act* is amended by adding thereto the following section:

Acquisition  
of depreci-  
able  
property

66a.—(1) Where in a fiscal year a corporation has acquired property in respect of which it is entitled to a deduction under regulations made under clause *a* of subsection 2 of section 22 in computing its income for that fiscal year, hereinafter in this section referred to as “depreciable property”, if it so elects in a manner prescribed on or before the day on or before which it is required by section 71 to file its return of income for the year,

(a)

- (a) in computing its income for the fiscal year and for such of the three immediately preceding fiscal years as the corporation had, if any, clauses *a*, *e* and *f* of subsection 1 of section 22 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing its income, other than exempt income, for the fiscal year and for those immediately preceding fiscal years, if any, by virtue of those clauses in respect of borrowed money used to acquire the depreciable property or the amount payable for the depreciable property acquired by it; and
- (b) the amount or the part of the amount, as the case may be, described in clause *a* shall be added to the capital cost to it of the depreciable property so acquired by it.
- (2) Where in a fiscal year a corporation has used borrowed money for the purpose of exploration, prospecting or development, and the expenses incurred by it in respect of the exploration, prospecting or development are deductible in computing its income for the fiscal year by virtue of section 57 or would be so deductible by virtue of that section if the corporation had sufficient income for the fiscal year to permit such a deduction to be made, if it so elects in prescribed manner on or before the day on or before which it is required by section 71 to file its return of income for the fiscal year,
- (a) in computing its income for the fiscal year and for such of the three immediately preceding fiscal years as the corporation had, if any, clauses *a*, *e* and *f* of subsection 1 of section 22 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing its income, other than exempt income, for the fiscal year and for those immediately preceding fiscal years, if any, by virtue of those clauses in respect of the borrowed money used for the exploration, prospecting and development; and
- (b) the amount or the part of the amount, as the case may be, described in clause *a*

shall

shall be deemed to be exploration, prospecting and development expenses incurred by it in the fiscal year.

Idem

- (3) In computing the income of a corporation for a fiscal year, where the corporation,

- (a) in any preceding fiscal year made an election under subsection 1 in respect of borrowed money used to acquire depreciable property or an amount payable for depreciable property acquired by it; and
- (b) in each fiscal year, if any, after that preceding fiscal year and before the fiscal year, made an election under this subsection covering the total amount that, but for this subsection, would have been deductible in computing its income, other than exempt income, for each such fiscal year by virtue of clauses *a*, *e* and *f* of subsection 1 of section 22 in respect of the borrowed money used to acquire the depreciable property or the amount payable for the depreciable property acquired by it,

if it so elects in prescribed manner on or before the day on or before which it is required by section 71 to file its return of income for the fiscal year, clauses *a*, *e* and *f* of subsection 1 of section 22 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing its income, other than exempt income, for the fiscal year by virtue of those clauses in respect of the borrowed money used to acquire the depreciable property or the amount payable for the depreciable property acquired by it, and the said amount or part of the amount, as the case may be, shall be added to the capital cost to it of the depreciable property so acquired by it.

Idem

- (4) In computing the income of a corporation for a fiscal year, where the corporation,

- (a) in any preceding fiscal year made an election under subsection 2 in respect of borrowed money used for the purpose of exploration, prospecting or development; and

(b)

- (b) in each fiscal year, if any, after that preceding fiscal year and before the fiscal year, made an election under this subsection covering the total amount that, but for this subsection, would have been deductible in computing its income, other than exempt income, for each such fiscal year by virtue of clauses *a*, *e* and *f* of subsection 1 of section 22 in respect of the borrowed money used for the exploration, prospecting and development,

if it so elects in prescribed manner on or before the day on or before which it is required by section 71 to file its return of income for the fiscal year, clauses *a*, *e* and *f* of subsection 1 of section 22 do not apply to the amount or to the part of the amount specified by it in its election that, but for this subsection, would have been deductible in computing its income, other than exempt income, for the fiscal year by virtue of those clauses in respect of the borrowed money used for the exploration, prospecting and development, and the said amount or part of the amount, as the case may be, shall be deemed to be exploration, prospecting and development expenses incurred by it in the fiscal year.

- (5) Notwithstanding any other provision of this Act, where a corporation has made an election in accordance with the provisions of subsection 1 or 2, such reassessments of tax, interest or penalties shall be made as are necessary to give effect thereto. Reassessments
- (6) This section does not apply to a co-operative corporation for the period during which it was exempt by section 48 from payment of tax under this Act. Co-operative corporations

**19.** Subsection 4 of section 76 of *The Corporations Tax Act*, as amended by subsection 3 of section 38 of *The Corporations Tax Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 73, s. 76, subs. 4, re-enacted

- (4) The Minister may at any time assess tax, interest or penalties, or notify in writing any person by whom a return of income or other subject of tax for a fiscal year has been filed that no tax is payable for the fiscal year, and may,
- (a) at any time, if the corporation or person filing the return,

- (i) has made any misrepresentation or committed any fraud in filing the return or supplying any information under this Act, or
- (ii) has failed to file financial statements with the return required to be filed under section 71, or
- (iii) has been negligent in supplying any information under this Act, or
- (iv) has filed with the Minister a waiver in a prescribed form within six years from the day of mailing of a notice of an original assessment or of a notification that no tax is payable for a fiscal year, or
- (v) has claimed a deduction under section 51; and

(b) within six years from the day referred to in subclause iv of clause a, in any other case,

reassess or make additional assessments or assess tax, interest or penalties, as the circumstances require.

R.S.O. 1960,  
c. 73,  
amended

**20.** *The Corporations Tax Act* is amended by adding thereto the following section:

Time for  
laying  
information

89a. An information in respect of an offence against this Act shall be laid within six years of the time when the matter of the information arose.

Application

**21.**—(1) Section 18 applies with respect to the 1968 and subsequent fiscal years.

Idem

(2) Subsection 1 of section 1, subsection 1 of section 2, sections 6, 10, 11 and 12, and subsection 2 of section 16 apply with respect to the 1969 and subsequent fiscal years.

Idem

(3) Subsection 2 of section 2, section 4, subsection 2 of section 5, section 14 and section 19 apply with respect to the 1970 and subsequent fiscal years.

Idem

(4) Subsections 3, 4, 5 and 6 of section 28 of the Act, as enacted by section 7 of this Act, are applicable to an outlay or expense incurred in a fiscal year ending after the 22nd day of October, 1968.

**22.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

**23.** This Act may be cited as *The Corporations Tax Amendment Act, 1970*. <sup>Short title</sup>



## CHAPTER 70

# An Act to amend The Agricultural Societies Act

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *b* of section 1 of *The Agricultural Societies Act* is amended by inserting after “Agriculture” in the first line “and Food”. R.S.O. 1960, c. 11, s. 1, cl. b, amended

(2) Clause *d* of the said section 1 is amended by inserting after “Agriculture” in the first line “and Food”. R.S.O. 1960, c. 11, s. 1, cl. d, amended

**2.**—(1) Clause *b* of subsection 1 of section 8 of *The Agricultural Societies Act* is amended by inserting after “premiums” in the second line “and exhibiting displays of farm products”, so that the clause shall read as follows: R.S.O. 1960, c. 11, s. 8, subs. 1, cl. b, amended

(b) organizing and holding agricultural exhibitions and awarding premiums and exhibiting displays of farm products thereat.

(2) Subsection 1 of the said section 8 is amended by adding thereto the following clause: R.S.O. 1960, c. 11, s. 8, subs. 1, amended

(g) holding races or trials of speed for horses.

**3.** Subsection 3 of section 11 of *The Agricultural Societies Act* is amended by striking out “in the locality served by the society” in the second and third lines, and by striking out “one month” in the fifth line and inserting in lieu thereof “ninety days”, so that the subsection shall read as follows: R.S.O. 1960, c. 11, s. 11, subs. 3, amended

(3) Where a society exhibits a display of a farm product that is produced on a commercial basis or holds a field-crop or other competition and such display or competition is approved by the Superintendent, the

officers

officers of the society shall within ninety days thereafter forward to the Superintendent on a form supplied by the Department a statement showing the particulars of the display or the competition, the number of entries, and the expenditures, including prizes awarded, in connection therewith.

R.S.O. 1960,  
c. 11, s. 21,  
re-enacted

4. Section 21 of *The Agricultural Societies Act* is repealed and the following substituted therefor:

Power to  
expropriate  
land

21. Subject to the approval of the Minister, a society may expropriate land selected as a site for fairs and exhibitions or as an enlargement of an existing site, and approved therefor at a meeting of the society called for that purpose, in accordance with *The Expropriations Act, 1968-69*, and the provisions of that Act shall apply to any expropriation under this section.

1968-69,  
c. 36

R.S.O. 1960,  
c. 11, s. 24,  
subs. 2,  
amended

5.—(1) Subsection 2 of section 24 of *The Agricultural Societies Act* is amended by striking out “\$500” in the seven-teenth line and inserting in lieu thereof “\$1,000”, so that the subsection shall read as follows:

Allowance  
where gate  
receipts  
reduced

(2) If the Superintendent, upon receiving proof on or before the 31st day of October in any year, by the joint affidavit of the president, secretary and treasurer or secretary-treasurer of an agricultural society, that rain or snow fell at the place of holding an exhibition before 3 o'clock in the afternoon on any day during which the exhibition was held or that during the exhibition or within thirty days prior thereto one or more buildings on the exhibition grounds was destroyed by fire or storm, is satisfied that as a consequence of such weather or such destruction the gate receipts were less than the average gate receipts for exhibitions held by the society during three previous normal years, the society is entitled to receive a grant of not more than 90 per cent of the difference between the gate receipts of the current year and the average amount of the gate receipts of such three previous years, but no society shall in any year receive a grant in excess of \$1,000 for any such loss in gate receipts.

R.S.O. 1960,  
c. 11, s. 24,  
subs. 3,  
amended

(2) Subsection 3 of the said section 24 is amended by striking out “\$500” in the tenth line and inserting in lieu thereof “\$1,000”, so that the subsection shall read as follows:

- (3) In the event of a society that has been organized for only two years suffering loss in gate receipts owing to wet weather, it shall receive a grant equal to 75 per cent of the difference between the gate receipts of the current year and those of the previous year, and, in case of loss of gate receipts from the above cause during the third year of a society's existence, the grant shall be 75 per cent of the difference between the gate receipts of that year and those of the average of the two previous years, but no society shall in any year receive a grant in excess of \$1,000 for any such loss in gate receipts.

(3) The said section 24, as amended by section 1 of *The Agricultural Societies Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:

- (4) Where the moneys appropriated by the Legislature are insufficient to pay the grants under subsections 2 and 3, the grants shall be decreased *pro rata*.

**6.** This Act comes into force on the day it receives Royal Assent.

**7.** This Act may be cited as *The Agricultural Societies Amendment Act, 1970*.



## CHAPTER 71

**An Act to amend  
The Crop Insurance Act (Ontario), 1966**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 5 of *The Crop Insurance Act (Ontario), 1966* is amended by adding thereto the following subsection: 1966, c. 34,  
s. 5,  
amended

(3) A plan may provide for insurance against loss arising when the seeding or planting of land intended to be used to grow an insured crop is prevented by a peril designated in the regulations. Where  
seeding of  
land  
prevented

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Crop Insurance Amendment Act (Ontario), 1970*. Short title



## CHAPTER 72

**An Act to amend The Planning Act**

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 26 of *The Planning Act*, as re-enacted by sub-section 1 of section 1 of *The Planning Amendment Act, 1960-61* and amended by section 6 of *The Planning Amendment Act, 1962-63*, section 2 of *The Planning Amendment Act, 1966*, section 2 of *The Planning Amendment Act, 1968* and section 3 of *The Planning Amendment Act, 1968-69*, is repealed and the following substituted therefor:

26.—(1) In this section, “consent” means,

Interpre-  
tation

- (a) in the case of land situate in a municipality that forms part of a county for municipal purposes or situate in a municipality that is within a metropolitan, regional or district municipality,
  - (i) a consent given by the committee of adjustment of such municipality under subsection 2a of section 32b, if such committee was constituted prior to the 15th day of June, 1970, or by such committee constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, or
  - (ii) where there is no committee of adjustment referred to in subclause i, a consent given by the land division committee constituted under section 26a, or

(iii)

- (iii) where there is no committee of adjustment referred to in subclause i, or no land division committee referred to in subclause ii, a consent given by the Minister;
- (b) in the case of land situate in a municipality that does not form part of a county for municipal purposes or situate in a municipality that is not within a metropolitan, regional or district municipality, or situate in a municipality in a territorial district,
  - (i) a consent given by the committee of adjustment of such municipality under subsection 2a of section 32b, if such committee was constituted prior to the 15th day of June, 1970, or by such committee constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, or
  - (ii) where there is no committee of adjustment referred to in subclause i, a consent given by the Minister; or
- (c) in the case of land situate in territory without municipal organization, a consent given by the Minister.

Subdivision  
control

- (2) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless,
  - (a) the land is described in accordance with and is within a registered plan of subdivision; or
  - (b) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain

the

the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to, any land abutting the land that is being conveyed or otherwise dealt with; or

- (c) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county; or
  - (d) the land or any use of or right therein is being acquired for the construction of a transmission line as defined in *The Ontario Energy Board Act, 1964* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or
  - (e) a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment with respect to the land or enter into an agreement with respect to the land.
- (3) The council of a municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection 2.
- (4) Where land is within a plan of subdivision registered before or after the coming into force of this section, no person shall convey a part of any lot or block of the land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to a part of any lot or block of the land, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless,

- (a) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment with respect to, any land abutting the land that is being conveyed or otherwise dealt with; or
- (b) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county; or
- (c) the land or any use of or right therein is being acquired for the construction of a transmission line as defined in *The Ontario Energy Board Act, 1964* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or
- (d) a consent is given to convey, mortgage or charge the land or grant, assign or exercise a power of appointment with respect to the land or enter into an agreement with respect to the land.

1964, c. 74

Designation  
of plans of  
subdivision  
not subject  
to part-lot  
control

- (5) Notwithstanding subsection 4, the council of a municipality may by by-law provide that subsection 4 does not apply to land that is within such registered plan or plans of subdivision or part or parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection 4 ceases to apply to such land.

Consent to  
lapse after  
one year

- (6) Any consent mentioned in subsection 2 or 4 shall lapse, in the case of a consent given by the Minister, at the expiration of one year after the date upon which the consent was granted, and in the case of a consent given by the committee of adjustment or the land division committee, at the expiration of one year after the date of the certificate given under

subsection

subsection 19 of section 32*b*, unless within such period,

- (a) an agreement was entered into for the sale and purchase of the land in respect of which the consent was granted or that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more; or
- (b) the land in respect of which the consent was granted was conveyed, mortgaged or charged or a power of appointment with respect to the land was exercised,

provided that the committee of adjustment, the land division committee or the Minister, as the case may be, in granting the consent may provide for an earlier lapsing of the consent.

- (7) An agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this section does not affect an agreement entered into subject to the express condition contained therein that such agreement is to be effective only if the provisions of this section are complied with. Conveyance, etc., contrary to section not to create or convey interest in land
- (8) A certified copy or duplicate of every by-law passed under subsection 3 shall be lodged by the clerk of the municipality in the office of the Minister. Copy of by-law to be lodged with Minister
- (9) A by-law passed under subsection 3 is not effective until the requirements of subsections 10 and 11 have been complied with. When by-law effective
- (10) A certified copy or duplicate of every by-law passed under this section shall be registered by the clerk of the municipality in the proper registry or land titles office. Copy of by-law to be registered
- (11) The clerk of the municipality shall send by registered mail notice of the passing of a by-law under subsection 3 to each person appearing by the last revised assessment roll to be the owner of land to which the by-law applies, which notice shall be sent to the last known address of each such person. Notice of by-law to be mailed to owners of affected land

Matters to  
be regarded  
in  
determining  
consent,  
conditions

- (12) A committee of adjustment, a land division committee and the Minister, in determining whether a consent is to be given shall have regard to the matters that are to be had regard to under subsection 4 of section 28 and have the same powers with respect to a consent as the Minister has with respect to an approval of a plan of subdivision under subsections 5 and 8 of section 28, and shall require that all conditions imposed be fulfilled prior to the granting of a consent.

Special  
account

- (13) Where on the granting of a consent a condition has been imposed that land be conveyed for public purposes other than highways, any land so conveyed may be sold by the municipality at any time and subsection 10 of section 28 applies to moneys received in lieu of a conveyance of such land and to moneys received from the sale of such land.

Agreements

- (14) Every municipality may enter into agreements imposed as a condition to the granting of a consent.

R.S.O. 1960,  
c. 296,  
amended

2. *The Planning Act* is amended by adding thereto the following sections:

Appointment  
of land  
division  
committee

- 26a.—(1) Where one or more municipalities forming part of a county for municipal purposes, or being within a metropolitan, regional or district municipality, do not have a committee of adjustment constitute prior to the 15th day of June, 1970, the council of the county, or of the metropolitan, regional or district municipality, as the case may be, shall, upon being notified in writing of this fact by the Minister, constitute and appoint a land division committee composed of such persons, not fewer than three, as the council considers advisable.

Interpre-  
tation

- (2) In subsection 3, "employee of a municipality" includes an employee of a local board of the municipality but does not include a teacher employed by a board of education or school board.

Members  
and  
employees  
of county,  
etc., not  
eligible

- (3) No member of council or employee of a county or of a metropolitan, regional or district municipality and no member of council or employee of a municipality forming part of a county or of a municipality being within a metropolitan, regional or district municipality is eligible to be a member of the land division committee constituted by the council of the county or metropolitan, regional or district municipality.

- (4) The provisions of subsections 4 to 12 of section 32a and subsections 2a to 19 of section 32b apply *mutatis mutandis* to the land division committee, but the land division committee does not have jurisdiction to grant consents in respect of land situate in a municipality that has a committee of adjustment constituted prior to the 15th day of June, 1970, or constituted on or after the 15th day of June, 1970, if the municipality has an official plan approved by the Minister, unless the council of such municipality passes a by-law authorizing the land division committee to grant such consents and the time provided for in subsection 5 has elapsed, or unless the committee of adjustment is dissolved.
- Application of s. 32a, subss. 4-12, s. 32b, subss. 2a-19, to Committee, power to grant Consents
- (5) Where a by-law is passed under subsection 4, the clerk of the municipality shall forward by registered mail a certified copy thereof to the secretary-treasurer of the committee of adjustment, to the secretary-treasurer of the land division committee and to the Minister not later than five days after the passing of the by-law, and ten days after the passing of the by-law the land division committee has jurisdiction to grant consents in respect of land in such municipality and the committee of adjustment ceases to have jurisdiction for this purpose.
- Clerk to mail copy of by-law to secretary-treasurer and Minister within 5 days
- 26b.—(1) Notwithstanding any other provision in this Act, if a municipality does not have an official plan approved by the Minister or the Municipal Board on or before the 31st day of December, 1973, a committee of adjustment of such municipality shall after that date have no further jurisdiction to grant consents for the purposes of section 26 and the Minister or the land division committee, as the case may be, shall act in the place and stead of such committee for such purposes.
- When committee of adjustment ceases to have jurisdiction to grant consents
- (2) Notwithstanding any other provision in this Act, the Minister, if he is of the opinion that a committee of adjustment is not giving consents in the manner contemplated by the provisions of this Act, may by order declare that such committee has no further jurisdiction to give consents for the purposes of section 26, and thereafter the Minister or the land division committee, as the case may be, shall act in the place and stead of such committee for such purposes.
- Idem

R.S.O. 1960,  
c. 296, s. 27,  
subs. 1, cl. b,  
re-enacted

**3.**—(1) Clause *b* of subsection 1 of section 27 of *The Planning Act* is repealed and the following substituted therefor:

- (b) with respect to any land in Ontario exercise the powers conferred upon councils by subsection 3 of section 26.

R.S.O. 1960,  
c. 296, s. 27,  
subs. 3,  
re-enacted

(2) Subsection 3 of the said section 27, as amended by section 7 of *The Planning Amendment Act, 1962-63*, is repealed and the following substituted therefor:

- Notice
- (3) The Minister may give notice of any such order in such manner as he considers proper and the Minister shall cause a certified copy or duplicate of the order to be registered in the proper registry or land titles office.

R.S.O. 1960,  
c. 296, s. 32<sup>a</sup>  
(1961-62,  
c. 104, s. 8).  
subs. 12,  
re-enacted;  
subs. 13,  
repealed

**4.** Subsections 12 and 13 of section 32<sup>a</sup> of *The Planning Act*, as enacted by section 8 of *The Planning Amendment Act, 1961-62*, are repealed and the following substituted therefor:

- Rules of  
procedure
- (12) In addition to complying with the requirements imposed upon the committee by this Act, the committee shall comply with such rules of procedure as are prescribed by the Minister by regulation.

R.S.O. 1960,  
c. 296, s. 32<sup>b</sup>,  
subs. 2<sup>a</sup>  
(1964, c. 90,  
s. 6, subs. 1),  
re-enacted

**5.**—(1) Subsection 2<sup>a</sup> of section 32<sup>b</sup> of *The Planning Act*, as enacted by subsection 1 of section 6 of *The Planning Amendment Act, 1964*, is repealed and the following substituted therefor:

- Power of  
committee  
to give  
consent
- (2<sup>a</sup>) In addition to its powers under subsections 1 and 2 and subject to section 26<sup>a</sup>, the committee upon the application of the owner of any land or any person authorized in writing by such owner, may, notwithstanding any other Act, give a consent as mentioned in section 26, provided that the committee is satisfied that a plan of subdivision under section 28 of the land described in the application is not necessary for the proper and orderly development of the municipality.

R.S.O. 1960,  
c. 296,  
s. 32<sup>b</sup>,  
subs. 9<sup>a</sup>, 9<sup>b</sup>  
(1966,  
c. 116, s. 5,  
subs. 2),  
repealed

(2) Subsection 9<sup>a</sup>, as re-enacted by subsection 2 of section 5 of *The Planning Amendment Act, 1966* and amended by subsection 1 of section 8 of *The Planning Amendment Act, 1967*, and subsection 9<sup>b</sup>, as enacted by subsection 2 of section 5 of *The Planning Amendment Act, 1966*, of the said section 32<sup>b</sup> are repealed.

**6.** *The Planning Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 296,  
amended

34a. The Minister may make regulations prescribing Regulations  
rules of procedure for committees of adjustment and  
land division committees constituted under this Act.

**7.** This Act comes into force on the day following the day Commence-  
ment  
it receives Royal Assent.

**8.** This Act may be cited as *The Planning Amendment Act*, Short title  
1970.



## CHAPTER 73

**An Act to amend  
The Motorized Snow Vehicles Act, 1968**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *e* of section 1 of *The Motorized Snow Vehicles Act, 1968* is repealed. 1968, c. 75,  
s. 1, cl. *e*,  
repealed

**2.** Section 6 of *The Motorized Snow Vehicles Act, 1968* is repealed and the following substituted therefor: 1968, c. 75,  
s. 6,  
re-enacted

- 6.—(1) The council of a local municipality may pass by-laws regulating, governing or prohibiting the operation of motorized snow vehicles within the municipality including any highways therein or any part or parts thereof. Local municipality may pass by-laws
- (2) Where a by-law is passed under subsection 1, the provisions regulating or governing the operation of motorized snow vehicles under the by-law do not apply to highways or any part or parts thereof that are not under the jurisdiction of the local municipality. Application of subs. 1
- (3) The council of a county or of a district, metropolitan or regional municipality may pass by-laws regulating and governing the operation of motorized snow vehicles along or across any highway or part of a highway under its jurisdiction. County or municipalities may pass by-laws
- (4) Where the operation of motorized snow vehicles is not prohibited on a highway under the jurisdiction of a county, district, metropolitan or regional municipality by a by-law passed under subsection 1, the council of such municipality may pass by-laws prohibiting the operation of motorized snow vehicles along or across such highway or any part thereof. County or municipalities may pass prohibiting by-laws

Application  
of  
R.S.O. 1960,  
c. 249

- (5) Part XXI of *The Municipal Act* applies to by-laws passed under this section.

1968, c. 75,  
s. 7,  
amended

3. Section 7 of *The Motorized Snow Vehicles Act, 1968* is amended by adding thereto the following subsections:

Driver on a  
highway  
to hold  
operator's  
or  
chauffeur's  
licence  
R.S.O. 1960,  
c. 172

- (3) Where the operation of a motorized snow vehicle is permitted on a highway under this Act, no person shall drive a motorized snow vehicle on a highway, unless he holds an operator's or chauffeur's licence issued under the authority of *The Highway Traffic Act*.

Exception  
to sub-  
section 3

- (4) Subsection 3 does not apply to any person who is,  
(a) a resident of any other province of Canada; or  
(b) a resident of any other country or state,

and who has complied with the laws of the province, country or state in which he resides as to the licensing of drivers of motorized snow vehicles and provided the province, country or state grants similar exemptions and privileges with respect to the drivers of motorized snow vehicles.

Owner  
not to  
permit  
unauthorized  
driver

- (5) No person who is the owner or in possession or control of a motorized snow vehicle shall permit any person who is not the holder of a chauffeur's licence or operator's licence to operate or drive the motorized snow vehicle on a highway.

1968, c. 75,  
amended

4. *The Motorized Snow Vehicles Act, 1968* is amended by adding thereto the following sections:

Reporting  
of collision

- 9a.—(1) Every person in charge of a motorized snow vehicle who is directly or indirectly involved in a collision shall, if the collision results in injury to any person or in damage to property of any person, other than the owner or driver, apparently exceeding \$200, report the collision forthwith to the nearest provincial or municipal police officer and furnish him with information in respect of,

- (a) the names and addresses of the persons involved;  
(b) the date and location of the occurrence; and  
(c) the circumstances under which the collision occurred.

- (2) A police officer receiving a report of a collision as <sup>Disposition of report</sup> required by this section, shall forward such report to the Registrar of Motor Vehicles within ten days of its receipt.
- 9b. The owner of a motorized snow vehicle shall incur <sup>Owner and driver liable for penalties</sup> the penalties provided for any contravention of this Act or of any regulation or of any municipal by-law regulating, governing or prohibiting the operation of motorized snow vehicles, unless at the time of the contravention the motorized snow vehicle was in the possession of some person other than the owner without the owner's consent, and the driver or operator of the motorized snow vehicle, not being the owner, shall also incur the penalties provided for any such contravention.
5. This Act comes into force on the day it receives Royal <sup>Commence-ment</sup> Assent.
6. This Act may be cited as *The Motorized Snow Vehicles* <sup>Short title</sup> *Amendment Act, 1970*.



## CHAPTER 74

**An Act to amend The Highway Traffic Act**

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 28 of *The Highway Traffic Act* is amended by striking out "and there is filed proof of financial responsibility under section 111" in the second and third lines, so that the section shall read as follows: R.S.O. 1960,  
c. 172, s. 28,  
amended

28. If a person whose licence has been suspended enters an appeal against his conviction, the suspension does not apply unless the conviction is sustained on appeal. Suspension  
on appeal

**2.** *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 172,  
amended

51b. No person who deals in motor vehicles shall sell or offer to sell a motor vehicle manufactured after the date this section comes into force that does not conform to the standards required under the *Motor Vehicle Safety Act* (Canada), and bears the National Safety Mark referred to therein. Sale of  
vehicles that  
do not  
conform to  
federal  
standards  
prohibited  
1969-70,  
c. 30

**3.**—(1) Paragraph 6 of subsection 2 of section 52 of *The Highway Traffic Act*, as enacted by subsection 5 of section 6 of *The Highway Traffic Amendment Act, 1960-61*, is amended by striking out "32,000" in the fourth line and inserting in lieu thereof "42,000", so that the paragraph shall read as follows: R.S.O. 1960,  
c. 172, s. 52,  
subs. 2,  
par. 6  
(1960-61,  
c. 34, s. 6,  
subs. 5),  
amended

6. The gross weight of a semi-trailer with three axles or a pole-trailer with three axles so designed that under any loading conditions the weight on the three axles remains constant shall not exceed 42,000 pounds. As to  
weight of  
three-axle  
semi-  
trailers,  
etc.

R.S.O. 1960,  
c. 172, s. 52,  
subs. 2a  
(1966, c. 64,  
s. 11,  
subs. 2),  
repealed

(2) Subsection 2a of the said section 52, as re-enacted by subsection 2 of section 11 of *The Highway Traffic Amendment Act, 1966* and amended by section 7 of *The Highway Traffic Amendment Act, 1967* and section 13 of *The Highway Traffic Amendment Act, 1968*, is repealed.

R.S.O. 1960,  
c. 172, s. 53,  
subs. 1,  
amended

4.—(1) Subsection 1 of section 53 of *The Highway Traffic Act* is amended by adding at the end thereof “or Part XVI”, so that the subsection shall read as follows:

#### Permits

(1) The municipal corporation or other authority having jurisdiction over the highway may, upon application in writing, grant a permit for the moving of heavy vehicles, loads, objects or structures in excess of the limits prescribed by section 52 or 58 or Part XVI.

R.S.O. 1960,  
c. 172, s. 53,  
subs. 6  
(1968-69,  
c. 45, s. 38),  
re-enacted

(2) Subsection 6 of the said section 53, as re-enacted by section 38 of *The Highway Traffic Amendment Act, 1968-69*, is repealed and the following substituted therefor:

#### Penalty

(6) Every person to whom a permit has been issued under this section who operates or permits the operation of a vehicle or combination of vehicles contrary to any of the conditions of such permit is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500 and in addition a fine shall be imposed as if he had also been convicted of an offence under subsection 7 of section 52 in respect of any gross weight in excess of the gross weight permitted under that section or clause a of section 162 in respect of any excess axle unit weight as if no special permit had been issued.

R.S.O. 1960,  
c. 172, s. 70,  
amended

5. Section 70 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

#### Symbols

(13a) The “walk”, “wait” and “don’t walk” pedestrian control signals referred to in subsection 13 may be shown by symbols as prescribed by the regulations.

R.S.O. 1960,  
c. 172,  
amended

6. *The Highway Traffic Act* is amended by adding thereto the following section:

Air  
cushioned  
vehicles  
prohibited  
on highways

100d. No person shall operate a vehicle commonly known as an air cushioned vehicle on a highway.

R.S.O. 1960,  
c. 172,  
Pt. XII  
(ss. 109-127),  
re-enacted

7. Part XII of *The Highway Traffic Act*, as amended by section 14 of *The Highway Traffic Amendment Act, 1961-62*, section 16 of *The Highway Traffic Amendment Act, 1962-63*,

sections 14 and 15 of *The Highway Traffic Amendment Act, 1964*, sections 13 and 14 of *The Highway Traffic Amendment Act, 1965* and sections 67 and 68 of *The Highway Traffic Amendment Act, 1968-69*, is repealed and the following substituted therefor:

## PART XII

### SUSPENSION FOR FAILURE TO PAY JUDGMENTS

109. In this Part,

Interpre-  
tation

- (a) "driver's licence" means an operator's or a chauffeur's licence issued pursuant to this Act;
- (b) "motor vehicle", in addition to the meaning given in section 1, includes "trailer", as defined in section 1.

110. Where the Registrar has suspended a licence or permit, he shall send notice of such suspension by registered mail to the latest address appearing on the records of the Department of the person whose licence or permit is suspended.

Notice of  
suspension

111.—(1) The driver's licence of every person who fails to satisfy a judgment rendered against him by any court in Ontario that has become final by affirmation on appeal or by expiry without appeal of the time allowed for appeal, for damages on account of injury to or the death of any person, or on account of damage to property, occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final shall be suspended by the Registrar upon receiving a certificate of such final judgment from the court in which the same is rendered and after fifteen days notice has been sent to such person of intention to suspend his licence unless such judgment is satisfied within such period, and shall remain so suspended and shall not at any time thereafter be renewed, nor shall any new driver's licence be thereafter issued to such person, until such judgment is satisfied or discharged, otherwise than by a discharge in bankruptcy, to the extent of the minimum limits of liability required by *The Insurance Act* in respect of motor vehicle liability policies.

Licence  
suspended  
for failure  
to pay  
judgment

R.S.O. 1960,  
c. 190

- (2) Notwithstanding subsection 1, the Registrar shall not suspend under subsection 1 the driver's licence of any person who is indebted to the Motor Vehicle Accident Claims Fund.

Application  
where  
person  
indebted  
to Fund

Payment of  
judgments in  
instalments

- (3) A judgment debtor may, on due notice to the judgment creditor, apply to the court in which the trial judgment was obtained for the privilege of paying the judgment in instalments, and the court may, in its discretion, so order, fixing the amounts and times of payment of the instalments, and while the judgment debtor is not in default in payment of such instalments, he shall be deemed not in default in payment of the judgment, and the Minister may restore the driver's licence of the judgment debtor, but such driver's licence shall again be suspended and remain suspended, as provided in subsection 1, if the Registrar is satisfied of default made by the judgment debtor in compliance with the terms of the court order.

Reciprocal  
effect of  
subs. 1  
with states  
having  
similar  
legislation

- (4) The Lieutenant Governor in Council, upon the report of the Minister that a province or state has enacted legislation similar in effect to subsection 1 and that such legislation extends and applies to judgments rendered and become final against residents of that province or state by any court of competent jurisdiction in Ontario, may declare that the provisions of subsection 1 shall extend and apply to judgments rendered and become final against residents of Ontario by any court of competent jurisdiction in such province or state.

R.S.O. 1960,  
c. 172, s. 146,  
cl. c, subcl. v,  
repealed

8. Subclause v of clause c of section 146 of *The Highway Traffic Act* is repealed.

R.S.O. 1960,  
c. 172,  
amended

9. *The Highway Traffic Act* is amended by adding thereto the following Part:

## PART XVI

### AXLE WEIGHTS

Interpre-  
tation

160.—(1) In this Part,

- (a) "axle" means an assembly of two or more wheels whose centres are in one transverse vertical plane;
- (b) "axle group" means an assemblage of any two or more consecutive axle units considered together in determining their combined load effect;
- (c) "axle group weight" means the total weight transmitted to the highway by an axle group;

(d)

- (d) "axle unit" means any single axle, dual axle or triple axle;
  - (e) "axle unit weight" means the total weight transmitted to the highway by an axle unit;
  - (f) "Class A Highway" means a highway designated as such by the Minister;
  - (g) "Class B Highway" means a highway not designated by the Minister as a Class A Highway;
  - (h) "dual axle" means any two consecutive axles, whose centres are more than 40 inches but less than 96 inches apart, articulated from a common attachment to the vehicle and designed to equalize the load between axles;
  - (i) "single axle" means one or more axles whose centres are included between two parallel transverse vertical planes 40 inches apart;
  - (j) "triple axle" means any three consecutive axles, whose consecutive centres are more than 40 inches but less than 96 inches apart, articulated from an attachment to the vehicle common to consecutive axles and designed to equalize the load between axles.
- (2) The spacing between axles is the shortest distance <sup>Spacing between axles</sup> between the centre of rotation of one axle and the centre of rotation of the other.
- (3) For the purposes of Table 2, the axle spacing is the <sup>Idem</sup> distance measured between the outer axles forming an axle unit.
- 161.—(1) No vehicle, object or contrivance for moving <sup>Restrictions as to weight on tires</sup> loads that is equipped with tires of less than six inches in width shall be operated or moved upon or over any highway the weight of which or the gross weight of which exceeds 500 pounds upon any inch in width of tire roller, wheel or other object, and no vehicle equipped with tires of six inches or more in width, the weight or gross weight of which exceeds 600 pounds upon any inch in width of the tire, shall be so operated without first obtaining a permit as provided by section 53.

How width  
ascertained

- (2) For the purpose of this section, the width of solid rubber or pneumatic tires shall be as stamped thereon by the manufacturer.

Restriction  
on weight of  
axles

162. Subject to the provisions of section 53,

prescribed  
by the  
regulations  
on Class A  
Highway

- (a) no vehicle or combination of vehicles shall be operated on a Class A Highway where any axle unit weight or axle group weight exceeds that prescribed in the regulations for such vehicle or combination of vehicles or as permitted by temporary authority issued pursuant to clause *b*;

temporary  
authority

- (b) where the regulations do not prescribe the axle unit weights and axle group weights in respect of a particular vehicle or combination of vehicles, the owner may apply to the Department for a temporary authority permitting the operation of the vehicle or combination of vehicles on a highway in accordance with section 163;

prescribed  
by  
temporary  
authority

- (c) no vehicle or combination of vehicles shall be operated on a highway where the axle spacing of such vehicle or combination of vehicles are not prescribed in the regulations or the owner is not the holder of the temporary authority issued pursuant to clause *b*; and

production  
of  
temporary  
authority

- (d) the temporary authority issued pursuant to clause *b*, or a true copy thereof, shall whenever the vehicle or combination of vehicles is on a highway be carried by the driver thereof or placed in some readily accessible position and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or *The Public Commercial Vehicles Act*.

R.S.O. 1960,  
c. 319

Maximum  
allowable  
axle unit  
weights

163—(1) The maximum allowable axle unit weight shall be,

- (a) for a single axle, 20,000 pounds;
- (b) for a dual axle, that weight shown in Column 2 opposite the corresponding axle spacing shown in Column 1 of Table 1;
- (c) for a triple axle, that weight shown in Column 2 opposite the corresponding axle spacing shown in Column 1 of Table 2.

- (2) The axle unit weights and axle group weights used in respect of a temporary authority issued under clause *b* of section 162 shall be based on the lesser of the maximum axle unit weight referred to in subsection 1 and that derived from the application of the following formula:

$$W_m = 20 + 2.07 B_m - 0.0071 B_m^2.$$

where:  $B_m = Kb$

$W_m$  is the axle group weight limit

$B_m$  is the equivalent base length of the axle group

$b$  is the base length, being the distance between the extreme axle of an axle group

$K$  is a parameter as defined by the equation

$$K = \frac{4 \sum_{i=1}^N P_i |x_i|}{b \sum_{i=1}^N P_i} - \frac{2(N-1)}{N} \times \left( \frac{\sum_{i=1}^N P_i x_i}{b \sum_{i=1}^N P_i} \right)^2$$

where:

$N$  is the number of axles in an axle group (count 2 for dual-axle and 3 for a triple axle)

$P_i$  is the weight of any individual axle

$P_m$  is the weight of the axle closest to the centre of gravity of the axle group load

$x_i$  is the distance of an axle load  $P_i$  from the axle load  $P_m$ . This distance is to be taken as positive when measured right of  $P_m$ , and negative when measured left of  $P_m$ .

$|x_i|$  is the absolute value of the distance  $x_i$ .

- 164.—(1) During freeze-up the maximum weight for a vehicle or combination of vehicles while carrying raw forest products shall be 110 per cent of that weight for which the vehicle or combination of vehicles is registered provided no axle unit weight exceeds by more than 10 per cent that weight prescribed in the regulations or temporary authority issued pursuant to clause *b* of section 162 for such vehicle or combination of vehicles.

- Definition (2) For the purpose of this section, "freeze-up" shall be such period of time as designated by the Minister.
- Restriction (3) No vehicle or combination of vehicles shall be operated on a highway in excess of the weight limits authorized in subsection 1.
- Restriction as to Class B Highway 165. Unless a special permit has been issued pursuant to section 53, no vehicle or combination of vehicles shall be operated on a Class B Highway where the weight upon one axle exceeds 18,000 pounds and, if the axles are spaced less than eight feet apart, the weight on one axle shall not exceed 12,000 pounds.
- Prohibition as to carrying load in excess of permit 166.—(1) No vehicle or combination of vehicles having a permit issued under this Act, the fee for which is based upon the weight of the vehicle or combination of vehicles and load, shall at any time when on a highway carry a load in excess of that for which the permit was issued as stated upon the permit and for which the fee therefor was estimated.
- Production of permit (2) The permit issued for a commercial motor vehicle and for every trailer drawn by it, or a true copy thereof, shall, whenever such vehicle is on a highway, be carried by the driver thereof or placed in some readily accessible position in the vehicle and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or *The Public Commercial Vehicles Act*.
- R.S.O. 1960, c. 319
- Exception (3) Subsection 2 does not apply when a permit has been surrendered for transfer of registration or when such surrender is required by law.
- Weight of load during March and April (4) During the months of March and April, commercial motor vehicles and trailers, other than public vehicles operated over or upon any portion of the King's Highway to which the provisions of this subsection are declared to be applicable by the Lieutenant Governor in Council, or upon any other highway not within a city or separated town, shall not be loaded so that any axle transmits to the road a weight in excess of 10,000 pounds without obtaining a permit as provided by section 53.
- Idem (5) During the months of March and April, a vehicle, other than a motor vehicle or trailer, operated over or upon any portion of the King's Highway to which the provisions of this subsection are declared to be

applicable by the Lieutenant Governor in Council or upon any other highway not within a city or separated town and having a carrying capacity exceeding one ton shall not be loaded in excess of 250 pounds upon any inch in width of tire without obtaining a permit as provided by section 53.

- (6) Every person who contravenes any of the provisions of subsection 1, 4 or 5 is guilty of an offence and on summary conviction is liable to a fine as if he had been convicted under subsection 1 of section 169 and in addition, if the conviction is for a contravention under subsection 1, the Registrar may suspend the registration permit of the vehicle or vehicles involved and such suspension shall continue until the vehicle has been reregistered at the maximum gross weight allowable and the additional registration fee has been paid. Penalty
- (7) The council of a city or separated town may, by Application to city or separated town by-law, declare the provisions of subsections 4, 5 and 6 to be in force in respect of highways within the city or separated town.
- (8) The municipal corporation or other authority having Extension of period by municipality jurisdiction over any highway may declare the provisions of subsections 4, 5 and 6 to extend and apply to highways under its jurisdiction during any period of the year or that the provisions of subsections 4 and 5 do not apply to any or all highways under its jurisdiction, but a by-law of a municipality passed under this subsection does not take effect until it has received the approval of the Minister.
- (9) In the case of the King's Highway and highways in Extension of period on King's Highway, etc. territory without municipal organization, the Lieutenant Governor in Council may declare the provisions of subsections 4, 5 and 6 to extend and apply during any period of the year.
- 167.—(1) Any constable or any officer appointed for carrying out the provisions of this Act, having reasons to believe that the weight of a vehicle and load is in excess of that permitted by this Act or in excess of that authorized under the permit issued for the vehicle, may weigh the same either by means of portable or stationary scales and may require that such vehicle be driven to the nearest scale if they are within a distance of ten miles, and, where it is found that the vehicle is carrying an excessive Power of officer to have load weighed

load, the constable or officer may require the driver to forthwith remove so much of the load as is necessary to bring it within the weight so permitted or authorized.

Measure of  
axle spacing

- (2) To determine whether the weight of the vehicle and load is in excess of that permitted by this Act or in excess of that authorized under the permit issued for the vehicle, the constable or officer appointed for carrying out the provisions of this Act may conduct such examination as is necessary to ascertain the distance between the axles of the vehicle or combination of vehicles.

Penalty

- (3) Every driver who, when so required to proceed to a weighing machine, refuses or fails to do so is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100.

Production  
of inventory

- (4) When a weighing machine capable of weighing a vehicle is distant more than ten miles from the vehicle, the driver of the vehicle, in lieu of proceeding to a weighing machine, shall produce forthwith an inventory showing the true weight of the vehicle and the goods or load thereon, verified in writing by the owner of the vehicle or by a person authorized in writing by the owner to make such verification.

Penalty

- (5) Every person who contravenes any of the provisions of subsection 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$100.

Regulations

168. The Lieutenant Governor in Council may make regulations,

- (a) prescribing by charts and tables the weights in accordance with the provisions of section 163 that may be transmitted to the highway by an axle unit, axle group, vehicle or combination of vehicles;
- (b) prescribing tolerances with respect to axle unit weights;
- (c) prescribing markings to be placed on vehicles respecting vehicle registration and weights.

Penalty

169.—(1) Every person who contravenes any of the provisions of subsection 1 of section 161, clause *a* of

section 162, subsection 3 of section 164 or section 165 is guilty of an offence and on summary conviction is liable to a fine of,

- (a) 50 cents per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is less than 5,000 pounds;
  - (b) \$1 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 5,000 pounds or more but is less than 10,000 pounds;
  - (c) \$2 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 10,000 pounds or more but is less than 15,000 pounds;
  - (d) \$3 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 15,000 pounds or more but is less than 20,000 pounds;
  - (e) \$4 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 20,000 pounds or more but is less than 30,000 pounds; and
  - (f) \$5 per hundredweight or part thereof of the weight permitted by this Part and the regulations thereunder where the overweight is 30,000 pounds or more.
- (2) Every person who contravenes clause *c* of section 162 <sup>Idem</sup> is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.
- (3) Every person who contravenes clause *d* of section <sup>Idem</sup> 162 is guilty of an offence and on summary conviction is liable to a fine of not less than \$20 and not more than \$50.

170.—(1) Subject to subsection 2, on and after the 1st <sup>Application of Part VI</sup> day of March, 1971, a vehicle or combination of <sup>or XVI</sup> vehicles may be operated on a highway only <sup>after</sup> in <sup>March 1st,</sup> 1971

accordance with and subject to the provisions of this Part and section 53 or Part VI.

Part VI  
not to apply  
after  
March 31st,  
1976

- (2) A vehicle or combination of vehicles may be operated in accordance with and subject to the provisions of Part VI only until and including the 31st day of March, 1976.

TABLE 1

MAXIMUM ALLOWABLE WEIGHT FOR DUAL AXLE

COLUMN ONE	COLUMN TWO
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
less than 48	32,000
48	35,000
51	35,500
54	36,000
57	36,500
60	37,500
63	38,000
66	38,500
69	39,000
72	40,000

TABLE 2

MAXIMUM ALLOWABLE WEIGHT FOR TRIPLE AXLE

COLUMN ONE	COLUMN TWO
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
less than 96	40,000
96	44,000
108	44,000
111	44,500
114	45,000
117	45,500
120	46,000
123	46,500
126	47,500
129	48,000

TABLE 2

TABLE 2—*Continued*

COLUMN ONE	COLUMN TWO
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
132	49,000
135	49,500
138	50,000
141	50,500
144	51,000
147	51,500
150	52,500
153	53,000
156	54,000
159	54,500
162	55,000
165	55,500
168	56,000
171	56,500
174	57,000
177	57,500
180	58,500
183	59,000
186	59,500
189	59,500
192	60,000

**10.**—(1) This Act, except sections 1, 2, 4, 7, 8 and 9, <sup>Commence-</sup>comes into force on the day it receives Royal Assent

(2) Sections 1, 7 and 8 come into force on the 1st day of *Idem* December, 1970.

(3) Subsection 1 of section 4 and section 9 come into force *Idem* on the 1st day of March, 1971.

(4) Subsection 2 of section 4 comes into force on the *Idem* 1st day of April, 1971.

(5) Section 2 comes into force on a day to be named by *Idem* the Lieutenant Governor by his proclamation.

**11.** This Act may be cited as *The Highway Traffic Amend-* <sup>Short title</sup>  
*ment Act, 1970.*



## CHAPTER 75

**An Act to amend  
The Ontario Municipal  
Improvement Corporation Act**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

**1.** Section 1 of *The Ontario Municipal Improvement Corporation Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 275, s. 1,  
re-enacted

**1. In this Act,**

- (a) "municipality" means a county, city, town, village, township or improvement district, and "municipal" has a corresponding meaning;
- (b) "Treasurer" means the Treasurer of Ontario and Minister of Economics.

Interpre-  
tation

**2.—(1)** Subsection 1 of section 2 of *The Ontario Municipal Improvement Corporation Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 275, s. 2,  
subs. 1,  
re-enacted

- (1) The Ontario Municipal Improvement Corporation, hereinafter called the Corporation, constituted on behalf of Her Majesty in right of Ontario as a body corporate and politic, without share capital, is continued. Corporation  
continued

(2) Subsection 2 of the said section 2 is amended by striking out "The Ontario Municipal Improvement Corporation, hereinafter called the corporation" in the first and second lines and inserting in lieu thereof "The Corporation", so that the subsection shall read as follows: R.S.O. 1960,  
c. 275, s. 2,  
subs. 2,  
amended

- (2) The Corporation shall be composed of not less than three and not more than five members appointed by the Lieutenant Governor in Council. Membership

R.S.O. 1960,  
c. 275,  
amended

**3.** *The Ontario Municipal Improvement Corporation Act* is amended by adding thereto the following section:

Objects

2a.—(1) The objects of the Corporation are,

- (a) to purchase from any municipality in Ontario having a population less than 20,000 debentures issued by it for any municipal purpose; and
- (b) to purchase from any municipality in Ontario having a population of 20,000 or more debentures issued by it for any of the following municipal works and undertakings:

1. Water works and water supply distribution systems.

2. Sewage works, treatment works, sewer systems or sewers, as defined in section 380 of *The Municipal Act*.

3. Plants and works for the incineration of garbage, refuse and waste.

4. Drainage works under *The Drainage Act, 1962-63*.

R.S.O. 1960,  
c. 249

1962-63,  
c. 39

Determina-  
tion of  
population

- (2) The Corporation shall determine the population of a municipality for the purpose of subsection 1 as of the business day next preceding the day on which the Lieutenant Governor in Council approves the purchase of debentures pursuant to subsection 1 of section 8, and such determination is final.

R.S.O. 1960,  
c. 275, s. 3,  
subs. 2, cl. a,  
amended

**4.** Clause *a* of subsection 2 of section 3 of *The Ontario Municipal Improvement Corporation Act* is amended by striking out "2" in the second line and inserting in lieu thereof "2a", so that the clause shall read as follows:

- (a) the carrying out of the object of the Corporation mentioned in section 2a.

R.S.O. 1960,  
c. 275, s. 8,  
subs. 1,  
amended

**5.—**(1) Subsection 1 of section 8 of *The Ontario Municipal Improvement Corporation Act* is amended by striking out "specified in subsection 1 of section 2" in the fifth line and inserting in lieu thereof "mentioned in section 2a", so that the subsection shall read as follows:

- (1) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations, may from time to time purchase from any municipality in Ontario debentures issued by the municipality for any of the purposes mentioned in section 2a. Purchase of municipal debentures
- (2) The said section 8 is amended by adding thereto the following subsection: R.S.O. 1960, c. 275, s. 8, amended
- (3) The effective rate of interest at which the Corporation may purchase debentures shall be determined from time to time by the Lieutenant Governor in Council. Interest
- 6.** *The Ontario Municipal Improvement Corporation Act* is amended by striking out "of Ontario" in, R.S.O. 1960, c. 275, amended
- (a) the fourth line of subsection 6 of section 2;
  - (b) the fourth line of clause *c* of subsection 2 of section 3;
  - (c) the second line of subsection 1 of section 6;
  - (d) the second line of section 10;
  - (e) the fifth line of section 11;
  - (f) the second line of subsection 1 of section 12;
  - (g) the seventh line of subsection 1 of section 13;
  - (h) the first line of section 15.

**7.** This Act comes into force on the day it receives Royal Assent. Commencement

**8.** This Act may be cited as *The Ontario Municipal Improvement Corporation Amendment Act, 1970*. Short title



## CHAPTER 76

## An Act respecting the City of Kingston

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, "Corporation" means The Corporation of the City of Kingston.

Interpre-  
tation

**2.** The council of the Corporation may, with the prior approval of the Ontario Municipal Board, pass by-laws designating buildings or structures as buildings or structures of historic or architectural value or interest.

By-laws

**3.** A by-law passed under section 2 may,

Provisions  
that may  
be contained  
in by-law

- (a) prohibit the demolition or destruction of buildings or structures designated thereunder or prohibit or regulate the alteration, renovation or use thereof;
- (b) provide for the acquisition by purchase, lease or otherwise of any such building or structure; or
- (c) provide for the making of grants to the owner of any such building or structure for the renovation, restoration or maintenance thereof.

**4.** Where a by-law prohibits the demolition, destruction, alteration, renovation or use of a building or structure, or regulates the alteration or renovation of a building or structure, unless the corporation has, within ninety days of the passing thereof,

By-law to be  
repealed if  
no agreement  
re purchase  
etc., of  
building or  
structure

- (a) entered into an agreement for the purchase of the building or structure;
  - (b) entered into an agreement for the payment of compensation to the owner of the building or structure; or
  - (c) expropriated the building or structure,
- the Corporation shall forthwith repeal the by-law.

Registration  
of by-law

**5.**—(1) A by-law passed under section 2 shall, within five days after the passing thereof, be registered by the clerk of the Corporation against the land affected in the proper registry or land titles office, and where any by-law is not so registered it shall be deemed to be repealed.

Idem

(2) A by-law repealing a by-law passed under section 2 shall, within five days after the passing thereof, be registered by the clerk of the Corporation against the land affected in the proper registry or land titles office.

Liability of  
Corporation

**6.** Where a by-law passed under section 2, other than a by-law regulating the use of buildings or structures, is repealed, the Corporation is liable to the owner of any land affected by the by-law for any consequential damages.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The City of Kingston Act, 1970*.

## CHAPTER 77

**An Act to incorporate  
the Northern Ontario  
Development Corporation**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** In this Act,

Interpre-  
tation

- (a) "Board" means the Board of Directors of the Corporation;
- (b) "Corporation" means the Northern Ontario Development Corporation;
- (c) "industry" includes any trade or other business undertaking of any kind, and "industrial" has a corresponding meaning;
- (d) "Minister" means the Minister of Trade and Development or such other member of the Executive Council as the Lieutenant Governor in Council designates;
- (e) "Northern Ontario" means the districts of Algoma, Cochrane, Manitoulin, Nipissing, Sudbury, Timiskaming, Kenora, Rainy River and Thunder Bay and such other areas as are from time to time designated by the Lieutenant Governor in Council under subsection 2.

(2) The Lieutenant Governor in Council may designate such areas in addition to those described in clause *e* of subsection 1 as he considers advisable.

Designation  
of areas

**2.—(1)** There is hereby established on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of Northern Ontario Development Corporation, consisting of not fewer than five and not more than nine members appointed by the Lieutenant Governor in Council.

Northern  
Ontario  
Development  
Corporation  
established

Vice-chairman of O.D.C. to be member

(2) The vice-chairman of the Ontario Development Corporation is *ex officio* a member of the Corporation.

Seal

(3) The Corporation shall have a seal, which shall be adopted by resolution or by-law.

Fiscal year

(4) The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

R.S.O. 1960, c. 71 does not apply

(5) *The Corporations Act* does not apply to the Corporation.

Board of Directors

**3.—**(1) The members for the time being of the Corporation form and are its Board of Directors, and the Lieutenant Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the Board.

Remuneration

(2) The Corporation may pay such of its directors as are not officers in the public service of Ontario such remuneration and expense allowance as may from time to time be fixed by the Lieutenant Governor in Council.

Quorum

(3) A majority of the directors for the time being constitutes a quorum at meetings of the Board.

By-laws

(4) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation.

Management

**4.—**(1) The affairs of the Corporation are under the management and control of the Board for the time being, and the chairman shall preside at all meetings of the Board and, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman.

Executive committee

(2) When the number of directors of the Corporation is more than six, the Board may pass a by-law authorizing the election from among the directors of the Corporation of an executive committee consisting of not fewer than three and delegating to the executive committee any powers of the Board, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the Board.

Quorum

(3) An executive committee may fix its quorum at not less than a majority of its members.

Objects

**5.** The objects of the Corporation are to encourage and assist in the development and diversification of industry in Northern Ontario, including, without limiting the generality of the foregoing,

(a)

- (a) the provision of financial assistance by loan, guarantee or purchase of shares or other securities;
- (b) the provision of sites, equipment, premises, facilities and services; and
- (c) the provision of technical, business and financial information, advice, training and guidance to persons or organizations, whether or not incidental to the provision of financial assistance.

6.—(1) Notwithstanding any other Act, the Corporation <sup>Powers</sup> for the objects set out in section 5 may, subject to the approval of the Lieutenant Governor in Council,

- (a) lend money to a person carrying on any industrial undertaking in Northern Ontario where in the opinion of the Board the funds in the circumstances are not available elsewhere on reasonable terms;
- (b) guarantee the payment of any loan, or any part thereof, and all or any part of the interest thereon, made by a lender to a person carrying on any industrial undertaking in Northern Ontario where in the opinion of the Board the funds in the circumstances are not available elsewhere on reasonable terms;
- (c) lend money to a person establishing or substantially expanding any industrial undertaking in an area of equalization of industrial opportunity in Northern Ontario approved under section 5 of *The Department of Trade and Development Act, 1968*; <sup>1968, c. 30</sup>
- (d) buy, hold, own, hire, maintain, control, take, lease, sell, assign, exchange, transfer, manage, improve, develop or otherwise deal in and dispose of, either absolutely or by way of security or otherwise, any property real and personal, movable and immovable, and assets generally;
- (e) exercise such ancillary powers as are necessary to carry out its objects.

(2) Where the approval of an area of equalization of industrial opportunity is rescinded, the Corporation may <sup>Application of</sup> proceed to exercise its power under clause c of subsection 1 <sup>rescission</sup> in respect of any person whose application has been accepted before the rescission.

Maximum  
loans

(3) No loan authorized under clause *c* of subsection 1 shall,

- (a) exceed one-third of the first \$250,000 of the cost of the undertaking and one-quarter of the balance of the cost thereof, or \$500,000, whichever is the lesser;
- (b) be wholly forgiven in less than five years from the date upon which moneys are first advanced.

O.D.C.  
deemed  
creditor

1966, c. 100

(4) In respect of a loan under clause *a* or *c* of subsection 1, the Ontario Development Corporation shall be deemed to be the creditor and *The Ontario Development Corporation Act, 1966* applies to the loan in the same manner as if the loan were made by the Ontario Development Corporation under that Act.

Validity of  
guarantee

(5) Every guarantee executed under the seal of the Corporation and signed by the Treasurer of Ontario and given or purporting to be given under the authority of this section is binding upon Ontario and is not open to question upon any ground whatsoever.

Staff of  
Corporation  
1961-62,  
c. 121

7.—(1) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are deemed necessary for the proper conduct of the business of the Corporation.

Super-  
annuation  
R.S.O. 1960,  
c. 332

(2) *The Public Service Superannuation Act* applies to the permanent staff of the Corporation as though the Corporation had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Professional  
and other  
assistance

8. The Corporation may engage persons other than those appointed under section 7 to provide professional, technical or other assistance to or on behalf of the Corporation, and may prescribe the duties and other terms of engagement and, subject to the approval of the Lieutenant Governor in Council, provide for payment of the remuneration and expenses of such persons.

Moneys

9. The moneys required for the purposes of this Act shall, during the fiscal year 1970-71, be paid out of the moneys appropriated by the Legislature for the purposes of the Ontario Development Corporation, and thereafter shall be paid out of the moneys appropriated by the Legislature for the purpose.

Limitation  
of  
liability

10. No member, officer or employee of the Corporation or other person acting on behalf of the Corporation is personally liable for anything in good faith done or omitted in the exercise or purported exercise of the powers conferred by this Act.

**11.** The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Corporation and to the Minister. <sup>Audit</sup>

**12.**—(1) The Corporation shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. <sup>Annual report</sup>

(2) The Corporation shall, in addition to making an annual report under subsection 1, make to the Minister such other reports of its affairs and operations as he may require. <sup>Other reports</sup>

**13.** *The Mortgage Brokers Registration Act* does not apply to the Corporation. <sup>R.S.O. 1960, c. 244 not to apply</sup>

**14.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commencement</sup>

**15.** This Act may be cited as *The Northern Ontario Development Corporation Act, 1970*. <sup>Short title</sup>



## CHAPTER 78

## An Act respecting the City of Hamilton

*Assented to June 26th, 1970**Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The council of The Corporation of the City of Hamilton may pass by-laws for granting to Dominion Foundries and Steel, Limited by way of easement, lease or otherwise the right to construct, maintain and use, on the public highway known as Ottawa Street North in the City of Hamilton, supporting structures for bearing pollution control buildings and equipment and the right to construct, maintain and use pollution control buildings and equipment located over the said Ottawa Street North on such supporting structures, upon such terms and conditions as the council may determine.

By-laws  
re pollution  
control  
buildings,  
etc.

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The City of Hamilton Act*, 1970.

Short title



## CHAPTER 79

**An Act to amend The Mining Act**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Paragraph 1 of section 1 of *The Mining Act* is amended by inserting after “mine” in the third line “or plant”, so that the paragraph shall read as follows: R.S.O. 1960, c. 241, s. 1, par. 1, amended

1. “agent”, where it occurs in Parts IX and XI, means a person having, on behalf of the owner, the care or direction of a mine or plant or a part thereof.

(2) Paragraph 10 of the said section 1 is amended by inserting after “boilers” in the second line “compressors” and by adding at the end thereof “or plant”, so that the paragraph shall read as follows: R.S.O. 1960, c. 241, s. 1, par. 10, amended

10. “machinery” includes steam and other engines, boilers, compressors, furnaces, milling and crushing apparatus, hoisting and pumping equipment, chains, trucks, tramways, tackle, blocks, ropes and tools, and all appliances used in or about or in connection with a mine or plant.

(3) Paragraphs 12 and 13 of the said section 1 are repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 1, par. 12, 13, re-enacted

12. the noun “mine”, except as defined in Part IX, includes any opening or excavation in, or working of the ground for the purpose of winning, opening up or proving any mineral or mineral-bearing substance, and any ore body, mineral deposit, stratum, rock, earth, clay, sand or gravel, or place where mining is or may be carried on, and all ways, works, machinery, plant, buildings and premises below or above ground belonging to or used in connection with the mine, and also any quarry, excavation or opening of the ground made for the purpose of searching for or

removal

removal of mineral, rock, stratum, earth, clay, sand or gravel and any roasting or smelting furnace, concentrator, mill, work or place used for or in connection with washing, crushing, sifting, reducing, leaching, roasting, smelting, refining, treating or research on any of such substances.

13. the verb "mine" and the word "mining", except as defined in Part IX, include any mode or method of working whereby the earth or any rock, stratum, stone or mineral-bearing substance may be disturbed, removed, washed, sifted, leached, roasted, smelted, refined, crushed or dealt with for the purpose of obtaining any mineral therefrom, whether it has been previously disturbed or not.

R.S.O. 1960,  
c. 241, s. 1,  
par. 18,  
amended

- (4) Paragraph 18 of the said section 1 is amended by inserting after "mine" in the fourth line "or plant" and by inserting after "mine" in the seventh line and in the ninth line "plant", so that the paragraph shall read as follows:

18. "owner", when used in Parts IX and XI, includes every person, mining partnership and company being the immediate proprietor or lessee or occupier of a mine or plant or a part thereof, or of any land located, patented or leased as mining land, but does not include a person or a mining partnership or company receiving merely a royalty, rent or fine from a mine, plant or mining lands, or being merely the proprietor of a mine, plant or mining lands subject to a lease, grant or other authority for the working thereof, or the owner of the surface rights and not of the ore or minerals.

R.S.O. 1960,  
c. 241,  
Pt. IX,  
(1961-62,  
c. 81, s. 1),  
re-enacted

2. Part IX of *The Mining Act*, as re-enacted by section 1 of *The Mining Amendment Act, 1961-62*, is repealed and the following substituted therefor:

## PART IX

### OPERATION OF MINES

Interpre-  
tation

#### 161.—(1) In this Part,

- (a) "authorized" means properly authorized to perform any specified duty or to do any specified act;

(b)

- (b) "engineer" means a member of the Association of Professional Engineers of the Province of Ontario who is designated by the Department as "chief engineer" or as "district mining engineer", or as "district electrical-mechanical engineer";
- (c) "manager" means the owner of a mine or plant or a part thereof or his agent, or a person designated by the owner or his agent as responsible for the control, management and direction of a mine, plant or a part thereof;
- (d) the noun "mine" includes any opening or excavation in, or working of the ground for the purpose of winning, opening up or proving any mineral-bearing substance, and any ore body, mineral deposit, stratum, rock, earth, clay, sand or gravel, or place where mining is or may be carried on and also any quarry, excavation or opening in the ground made for the purpose of searching for or removal of mineral, rock, stratum, earth, clay, sand or gravel, and any premises below or above ground belonging to or used in connection with the mine not included in the definition of the noun "plant";
- (e) the verb "mine" and the word "mining" mean the performance of any work in or about a mine;
- (f) "mine rescue training officer" means a person in charge of a mine rescue station and responsible for mine rescue training;
- (g) the noun "plant" includes any roasting or smelting furnace, concentrator, mill or place and work used for or in connection with washing, crushing, grinding, sifting, reducing, leaching, roasting, smelting, refining, treating or research on any substance included under the noun "mine" and all ways, works, machinery, buildings and premises above ground used in connection therewith;
- (h) "professional engineer" means a person who is a member of or is licensed by the Association of Professional Engineers of Ontario;

(i) "qualified" means properly qualified to perform any specified duty or to do any specified act;

(j) "safety" means freedom from injury to the body or freedom from damage to the health of a person.

Where Part  
does not  
apply

- (2) The provisions of this Part do not apply to cook-houses, bunkhouses, recreational centres, dwellings, and the grounds used in connection therewith. 1961-62, c. 81, s. 1, par. 12, *part, amended*.

#### EMPLOYMENT IN AND ABOUT MINES

Employ-  
ment, of  
children

- 162.—(1) No person under the age of sixteen years shall be employed in or about a mine or plant, and no person under the age of eighteen years shall be employed underground in a mine or at the working face of an open-cut workings, pit or quarry.

of females

- (2) No female person shall be employed on underground work in any mine or at the working face of an open-cut workings, pit or quarry, except,
- (a) those who have to enter the underground parts of a mine for the purpose of a non-manual occupation; or
  - (b) those employed in health and welfare services; or
  - (c) those who, in the course of their studies spend a period of training in the underground parts of a mine. 1961-62, c. 81, s. 162, *amended*.

#### MINE RESCUE STATIONS

Establish-  
ment

- 163.—(1) Mine rescue stations shall be established, equipped, operated and maintained at such places and in such manner as the Minister directs. 1961-62, c. 81, s. 163 (1).

Mine rescue  
training  
officers

- (2) The Lieutenant Governor in Council may appoint such mine rescue training officers as he deems advisable.

Duty of  
mine rescue  
training  
officers

- (3) The equipment and operation of mine rescue stations shall be in the charge of mine rescue training officers, and it is the duty of such officers to teach and train mine rescue crews and supervisors in the use and maintenance of the apparatus in such manner

as the chief engineer directs, to maintain the apparatus in efficient and workable condition so as to be available for immediate use, and to perform such other duties as the chief engineer deems necessary.

- (4) The owner, agent or manager of a mine shall cause such workmen and supervisors to be trained in the use and maintenance of mine rescue equipment as the district mining engineer deems necessary. 1961-62, c. 81, s. 162 (2-4), *amended*. Training of rescue crews
- (5) The mine manager is responsible for the supervision and direction of mine rescue crews in all mine rescue and recovery operations conducted at the mine. Responsibility in mine rescue operations
- (6) The cost of establishing, maintaining and operating mine rescue stations shall be paid out of the Consolidated Revenue Fund. Cost
- (7) The Workmen's Compensation Board shall at the end of each quarter year reimburse the Consolidated Revenue Fund from moneys assessed and levied by the Board against employers in the mining industry for the total amount certified by the Deputy Minister to have been paid out under subsection 6. Idem
- (8) All moneys received from the sale or disposal of any equipment, buildings or machinery forming part of or appertaining to mine rescue stations shall be paid to the Workmen's Compensation Board and shall be placed to the credit of the class funds of the employers in the mining industry. 1961-62, c. 81, s. 162 (5-8). Disposal of equipment, etc.
- (9) Fresh air bases shall be strategically located in deep mines and their design, locations, equipment and use are to be approved by the chief engineer. *New*. Fresh air bases

#### HOURS OF LABOUR UNDERGROUND

164.—(1) In this section,

Interpre-  
tation

- (a) "shift" means a body of workmen whose hours for beginning and terminating work in the mine are the same or approximately the same;
- (b) "workman" means a person employed underground in a mine who is not the owner or agent or an official of the mine,

and

and, where any question or dispute arises as to the meaning or application of clause *b* of subsection 2 or as to the meaning of "shift", "workman", or "underground", the certificate of the engineer is conclusive.

Hours of  
labour  
under-  
ground

- (2) No workman shall remain or be allowed to remain underground in a mine for more than eight hours in any consecutive twenty-four hours, which eight hours shall be reckoned from the time he arrives at his place of work in the mine until the time he leaves such place, except that,

- (a) a shift or any part of a shift may remain or be allowed to remain underground in a mine for more than eight hours in any consecutive twenty-four hours on one day of a week for the purpose of avoiding work on Sunday or on a holiday or changing shift;
- (b) such limit does not apply to a foreman, pumpman, cagetender, or any person engaged solely in surveying or measuring, nor does it apply in cases of emergency where life or property is in imminent danger, nor does it apply to repair work which is necessary for normal production.

Hours of  
operator  
of hoist

- (3) No person shall operate or be permitted to operate, either on the surface or underground, a hoist, by means of which persons or material are hoisted, lowered or handled in a shaft or winze, for more than eight hours in any consecutive twenty-four hours, except,

- (a) that, in the event of one of the regular hoistmen being absent from duty through sickness or otherwise and where no competent substitute is available, the remaining hoistman or hoistmen may work extra time not exceeding four hours each in any consecutive twenty-four hours for a period not exceeding fourteen days;
- (b) that, in the case where the work at a mine or in a shaft or winze at a mine is not carried out continuously on three shifts per day, the hoistman may work such extra time as is necessary for lowering or hoisting the workmen employed on the shift at the beginning and end of each shift;
- (c) in the cases provided for in clauses *a* and *b* of subsection 2. 1961-62, c. 81, s. 164 (1-3).

## QUALIFICATIONS OF HOISTMEN

- 165.—(1) No person under the age of twenty-one years Age limit of hoistmen and no person who has not had adequate experience on a reversing hoist shall be authorized to operate a hoist by which persons are handled in a shaft or winze at a mine.
- (2) No person under the age of eighteen years shall be Idem authorized to operate a hoist at a mine.
- (3) No person shall operate or be permitted to operate a hoist at a shaft or winze in which persons are handled at a mine, or for any other purpose designated by an engineer, unless he has been examined by a legally qualified medical practitioner acceptable to the employer and the medical practitioner has issued to him on the form prescribed a hoistman's medical certificate to the effect that to the best of the practitioner's knowledge the person is not subject to any infirmity, mental or physical (particularly with regard to sight, hearing and heart), to such a degree as to interfere with the efficient discharge of his duties. 1961-62, c. 81, s. 165 (1-3), *amended*. Hoistman to be holder of medical certificate
- (4) Every hoistman's medical certificate lapses and shall be deemed to have expired at the end of one year from its date. Expiry of certificate
- (5) Every hoistman's medical certificate shall be kept Filing of certificate on file by the employer and made available to an engineer at his request.
- (6) A record of all hoistmen's medical certificates pertaining to hoistmen operating in any one hoistroom shall be kept posted therein, showing the names of the hoistmen and the date of the last certificate issued to each. Posting record of certificates
- (7) This section does not apply to the operation of a hoist when on automatic or semi-automatic control. Automatic hoist exempted 1961-62, c. 81, s. 165 (4-7).
166. Where a contravention of section 162, 164 or 165 takes place, the owner, agent or manager of the mine, or any of them, may be proceeded against, jointly or separately, and may be convicted of such offence, but neither the owner nor the agent nor the manager shall be so convicted if he proves that the offence was committed without his knowledge or consent, and that he had caused notices of the said sections to be posted up, and to be kept posted up, at some conspicuous place at or near the entrance to the mining work. 1961-62, c. 81, s. 166, *amended*. Proceedings where persons employed contrary to Act

## MEDICAL EXAMINATIONS

Interpre-  
tation

## 167.—(1) In this section,

- (a) “applicant” means a person who is not the holder of a certificate in good standing who is seeking employment in a dust exposure occupation;
- (b) “certificate” means an initial certificate, an extended certificate, an endorsed certificate, a miner’s certificate or a renewed certificate;
- (c) “dust exposure occupation” means,
  - (i) employment underground in a mine,
  - (ii) employment at the surface of a mine, other than at a pit or quarry, in ore or rock crushing operations where the ore or rock is not crushed in water or a chemical solution,
  - (iii) employment at other locations, as designated by the chief engineer, at the surface of a mine or in a pit or quarry;
- (d) “endorsed certificate” means an initial certificate or extended certificate that has been endorsed under clause *b* of subsection 7;
- (e) “extended certificate” means an initial certificate that has been extended under clause *a* of subsection 7;
- (f) “initial certificate” means a certificate issued to an applicant under subsection 6;
- (g) “medical officer” means a medical officer appointed under *The Workmen’s Compensation Act* to carry out the provisions of this Act with regard to the examination of employees or applicants for employment;
- (h) “miner’s certificate” means a certificate issued under subsection 8;
- (i) “renewed certificate” means a miner’s certificate that has been renewed under subsection 9.

R.S.O. 1960,  
c. 437

- (2) No person shall be employed in a dust exposure occupation unless he is the holder of a certificate in good standing. Employment in dust exposure occupation
- (3) Subject to subsection 4, every certificate remains in force for not more than twelve months, except that a medical officer may at any time recall the holder of a certificate for examination within the scope of the existing certificate and may extend, endorse, renew or cancel the certificate in accordance with his finding upon the examination. Term of certificate
- (4) In those parts of Ontario where the examinations under subsections 6 to 9 are conducted by a travelling medical officer, no certificate shall be deemed to have expired because of the failure of the medical officer to conduct an examination prior to the date of expiration of a certificate, and the holder of a certificate that would otherwise have expired shall present himself before a medical officer for re-examination at the first opportunity available after the date upon which his certificate would have so expired. Examination by travelling medical officer
- (5) Where a certificate of a person employed in the mining industry has expired because of the failure of its holder to present himself to a medical officer for examination, a medical officer may extend, endorse or renew the certificate or issue a miner's certificate, as the circumstances of the case require, if he is satisfied that the failure was caused by the inability of the holder to so present himself because of illness or other circumstances beyond his control. Expiration of certificate
- (6) Every applicant shall be examined by a medical officer before commencing employment, and, if the medical officer finds upon examination that the applicant is free from disease of the respiratory organs and otherwise fit for employment in a dust exposure occupation, he shall issue to the applicant an initial certificate. Examination before employment
- (7) The holder of an initial certificate shall, prior to its expiration, present himself to a medical officer for re-examination, and, if the medical officer finds upon examination that the holder is free from disease of the respiratory organs and otherwise fit for employment in a dust exposure occupation, he shall, Initial certificate holder, re-examination
- (a) in the case of a holder who since the issuance of his initial certificate has completed less than eleven months employment in a dust

exposure occupation, extend the certificate for such period as he deems necessary to permit the holder to complete twelve months employment in a dust exposure occupation, and he may from time to time extend the certificate for the same purpose; and

- (b) in the case of a holder of an initial certificate who since the issuance of his initial certificate has completed eleven months or more employment in a dust exposure occupation, endorse the certificate.

Issue of  
miner's  
certificate

- (8) The holder of an endorsed certificate who since the endorsement of his initial certificate has completed eleven months or more employment in a dust exposure occupation shall, prior to its expiration, present himself to a medical officer for examination, and, if the medical officer finds upon examination that the holder is free from tuberculosis of the respiratory organs, he shall issue him a miner's certificate.

Miner's  
certificate  
holder, re-  
examination

- (9) The holder of a miner's certificate shall, prior to its expiration, present himself to a medical officer for re-examination, and, if the medical officer finds upon examination that the holder is free from tuberculosis of the respiratory organs, he shall renew the certificate, which may be further renewed from year to year upon the passing of a similar examination.

Unemployed  
holder of  
certificate

- (10) The holder of a certificate who for any reason is out of employment in a dust exposure occupation may apply to a medical officer for the extension, endorsement or renewal of his certificate or for the issuance of a miner's certificate, as the case may be, and, upon presentation of the holder's certificate, the medical officer shall conduct the required examination and effect such extension, endorsement, renewal or issuance as is warranted by his findings upon the examination.

Holder of  
initial or  
extended  
certificate

- (11) Where the holder of an initial or extended certificate has been out of employment in the mining industry for a period exceeding one year and during such period has failed, through neglect on his part, to have his certificate extended or endorsed, such certificate is void and its holder is eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

- (12) Where the holder of an endorsed certificate or miner's certificate has been out of employment in the mining industry for a period exceeding two years and during such period has failed, through neglect on his part, to obtain a miner's certificate or to have a miner's certificate renewed, his certificate is void and the holder thereof is eligible for re-employment in a dust exposure occupation in the capacity of an applicant only. Holder of endorsed or miner's certificate
- (13) Where the holder of a certificate has been out of employment in the mining industry for a period exceeding three years, he is eligible for re-employment in a dust exposure occupation in the capacity of an applicant only. Where un-employment exceeds three years
- (14) The manager or superintendent of the mine at which the holder of a certificate is employed may require the certificate to be delivered to and left in the custody of the manager or superintendent during the period of the holder's employment at the mine, but the certificate shall be returned to the holder upon the termination of his employment at the mine. Custody of certificate
- (15) The chief engineer may exempt from subsections 2 to 14 any mine or any person employed thereat where, in his opinion, the mine does not contain silica in quantity likely to produce silicosis or where for any other reason he is of the opinion that such subsections should not apply. Exemption
- (16) Subsections 2 to 14 do not apply to a person usually employed in a dust exposure occupation for less than fifty hours in each calendar month. Idem
- (17) The Lieutenant Governor in Council may make regulations, Regulations
- (a) prescribing the nature of the examination to be made by a medical officer under subsections 6 to 11;
  - (b) prescribing the forms of certificates and extensions, endorsements and renewals thereof;
  - (c) generally for the better carrying out of this section. 1961-62, c. 81, s. 167.

## REHABILITATION OF TAILINGS DISPOSAL AND PLANT AREAS

- 168.—(1) (a) The mine manager shall plant and maintain vegetation, or otherwise stabilize the tailings areas which will not be required for future impoundment of tailings to the satisfaction of the district engineer of mines.
- (b) At least one year prior to cessation of operation, the mine manager shall submit to the district engineer of mines, two copies of a plan showing,
- (i) the extent of the tailings area on which planting of vegetation or stabilization must still be completed,
  - (ii) the rehabilitation that is to be done in the mine or plant area, together with descriptive information.
- (c) The rehabilitation work mentioned in clause *b* shall be completed to the satisfaction of the chief engineer of mines.
- (d) A bond or security deposit in an amount deemed necessary by the chief engineer of mines to complete the rehabilitation mentioned in clause *b* shall be deposited with the Department of Mines.

Protection  
of unused  
workings

- (2) (a) Where a mine has been abandoned or where the work in it has been discontinued, the owner or lessee or any other person interested in the mineral of the mine shall cause the top of any shaft or raise opening to the surface to be solidly bulkheaded with reinforced concrete at bedrock or on top of the concrete collar of such opening, except that where in the opinion of the district mining engineer this is impracticable, the requirements of clause *b* apply.

All other  
openings  
and pits

- (b) All other openings and pits, dangerous by reason of their depth or other conditions, shall be and shall be kept securely fenced or otherwise protected against inadvertent access to the satisfaction of the district mining engineer, but where in his opinion the mine or workings present no greater hazard than the

natural

natural topographic features of the area, this provision need not be complied with. 1961-62, c. 81, s. 168 (1), *amended*.

- (c) Every such person who, after notice in writing from the district mining engineer, fails to comply with his directions as to such fencing or protection within the time specified in the notice is guilty of an offence against this Act. Failure to erect fence after notice
- (d) Where the district mining engineer finds that any such fencing or protection is required in order to avoid danger to health or property, he may cause the work to be done and may pay the costs incurred out of any moneys provided for the purposes of this Act, and the amount of such costs with interest thereon is a lien upon the mine or mining work of which notice in such form as the Minister prescribes may be registered in the proper registry or land titles office, and no further transfer or other dealings with the mine or mining work shall take place until such amount is paid. When engineer may erect fence
- (e) The amount of such costs with interest thereon is due from the owner or lessee to the Crown and is recoverable at the suit of the district mining engineer in any court of competent jurisdiction. Recovery of costs of work
- (f) Notwithstanding clauses *d* and *e*, the Minister, either without payment or on such terms and conditions as he deems proper, may cause a cessation of charge to be registered in the proper registry or land titles office, and thereupon the lien registered under clause *d* is void and of no effect. 1961-62, c. 81, s. 168 (2-5), *amended*. Discharge of fencing liens

#### RESPONSIBILITY AS TO PROVISIONS

- 169.—(1) The owner or agent of an operating mine or plant shall appoint a manager who is responsible for the control, management and direction of the mine or plant. 1961-62, c. 81, s. 170 (5), *amended*. Responsibility as to carrying out requirements
- (2) The owner or agent shall provide the manager of a mine or plant with the necessary means and shall afford him every facility for complying with this Part. 1961-62, c. 81, s. 170 (8), *amended*. Owner to give facilities to manager to comply
- (3) Subject to the requirements of this Act and except as otherwise provided in this Act, responsibility for Responsibility as to qualifications

the authorization and decisions as to the qualifications of employees rests with the employer or his agent. 1961-62, c. 81, s. 161.

Manager's  
absence

- (4) The manager of an operating mine or plant shall appoint one or more suitable persons who are responsible, during the manager's absence, for taking all necessary and reasonable measures to enforce the requirements of subsection 7. 1961-62, c. 81, s. 170 (6, 7), *amended*.

Duty as to  
knowledge  
of  
requirements

- (5) It is the duty of every manager, supervisor or other person in charge of workmen and every hoistman, deckman, conveyance attendant or person who handles explosives or blasting agents or who operates, installs or maintains any equipment, machinery or electrical apparatus in or about a mine or plant, to know the requirements of this Part that apply to the work under his charge and direction or in which he is engaged. 1961-62, c. 81, s. 173 *amended*.

Manager,  
etc., to  
enforce  
requirements

- (6) Except as to any provisions that the chief engineer has directed are not applicable thereto,

the manager of the mine or plant shall take all necessary and reasonable measures to enforce the provisions of this Part and to ensure that they are observed by every employee of the mine or plant, and every supervisor shall take all necessary and reasonable measures to enforce the requirements of all such provisions as are applicable to the work over which he has supervision and to ensure that they are observed by the persons under his charge and direction. 1961-62, c. 81, s. 170 (6).

Manager  
may make  
rules

- (7) The manager of a mine or plant may make rules not inconsistent with any provision of this Part or any special direction made by an engineer as herein provided for the maintenance of order and discipline and the prevention of accidents in or about the mine or plant, and may submit any rule so made to the chief engineer who shall lay the rules before the Minister for his approval, and, upon such approval being given, the rules take effect after they have been posted up in a conspicuous place at the mine for at least fourteen days, but the Minister may disallow any of such rules or direct such changes to be

made

made in them as he deems proper. 1961-62, c. 81, s. 170 (3), *amended*.

- (8) Every such rule, after approval and when and so long <sup>Offence</sup> as it is posted up and is legible, has the same force and effect as the provisions of this Act, and any person who contravenes any such rule is liable to the penalty provided for a breach of the provisions of this Act. 1961-62, c. 81, s. 170 (4).
- (9) (a) Where the owner, agent or manager of a mine <sup>Suspension of provision</sup> or plant, by an application in writing stating the reasons therefor, requests the engineer to suspend any of the requirements of sections 173 to 596 as to such mine or plant, the chief engineer may in writing direct that the requirements of any such provision do not apply to such mine or plant, or may in writing direct that any such provision does not apply so long as such limitations and conditions as he sees fit to impose are observed or complied with. 1961-62, c. 81, s. 170 (1), *amended*.
- (b) The owner, agent, or manager shall forthwith <sup>Idem</sup> post in a prominent place a copy of the chief engineer's suspension and the terms and requirements thereof, so that any such suspension may be drawn to the attention of the employees affected. *New*.
- (10) The chief engineer may at any time cancel any order <sup>Cancellation of suspension</sup> made under clause *a* of subsection 9 or make such alterations therein as he deems proper in view of any change in the conditions under which the order was made or upon it appearing to him that such change is advisable for any other reason. 1961-62, c. 81, s. 170 (2).
- (11) Every person who is engaged exclusively in super- <sup>Knowledge of English language</sup> vising the work of other persons at a mine or plant shall be able to give and to receive and understand orders in the English language.
- (12) Every person in charge as a deckman, conveyance <sup>Idem</sup> attendant or hoistman at a mine or plant shall have a knowledge of the English language adequate to enable him to carry out his duties in a thoroughly safe manner. 1961-62, c. 81, s. 173, *amended*.

Lifting  
safely

- (13) No owner, agent or manager shall require a person to lift, carry or move anything so heavy or in such manner as to be likely to endanger his safety or the safety of any other person in a mine or plant. *New.*

Adequate  
training  
for  
employee

- (14) Every manager shall ensure that no person works without supervision at any machine unless the person,
- (a) has received adequate training and instruction in the operation of the machine and any dangers connected therewith;
  - (b) has received adequate supervision by a person having thorough knowledge and experience with the machine; and
  - (c) is capable of safely operating the machine without supervision.

Operation of  
machines  
and devices

- (15) No manager, supervisor or his agent who has reasonable cause to believe that any machine or device in or about a mine or plant is unsafe or in contravention of this Act shall cause or permit it to be used or operated.

Idem

- (16) No person who has reasonable cause to believe that any machine or device, which has been assigned to him for use in or about a mine or plant, is unsafe or in contravention of this Act shall use the machine or device until he has,
- (a) reported the defect to his supervisor; and
  - (b) obtained specific instructions in writing from his supervisor to use or operate the machine or device.

Idem

- (17) No person shall use or operate any machine or device in or about a mine or plant in an unsafe manner or in a manner that does not comply with this Act.

Boisterous  
conduct

- (18) No person in a mine or plant shall engage in any contest, feat of strength, unnecessary running or rough or boisterous conduct that is likely to endanger the safety of any person. *New.*

Responsi-  
bility of  
contractors,  
etc.

- (19) Where work in or about a mine or plant is let by the owner, agent or manager to a contractor,

(a)

- (a) the owner, agent or manager shall, except for work involving surface prospecting, give written notice to the chief engineer and to the district mining engineer, resident in that part of Ontario in which the mine or plant is situated that a contract has been made;
- (b) the contractor shall give written notice to the chief engineer and to the district mining engineer resident in that part of Ontario in which the mine is situated of any sub-contract that has been made;
- (c) the contractor or a subcontractor, as the case may be, shall appoint a person to be in charge and responsible for the work being done by the contractor or the subcontractor;
- (d) the person so appointed by the contractor or the subcontractor shall comply and enforce compliance with all the provisions of this Part pertaining to the work over which he has control and is, in any case of non-compliance therewith, guilty of an offence and punishable in like manner as if he were the owner, agent or manager. 1961-62, c. 81, s. 170 (9), *amended*.
- (e) where the prime contractor has two or more subcontractors working on a project on surface, the prime contractor shall,

- 1. Appoint a person to have authority to enforce compliance with all the provisions of this Part on all the work of the project.
- 2. Provide and maintain first-aid requirements in accordance with regulations under *The Workmen's Compensation Act*. *New.* R.S.O. 1960,  
c. 437

- 170.—(1) Every person employed at a mine or plant shall <sup>Measures to be taken</sup> take all necessary and reasonable measures to carry out his duties in accordance with such provisions as are applicable to the work in which he is engaged.
- (2) Every person through whose neglect or wrongful act <sup>Incurring penalties</sup> a contravention occurs at a mine or plant shall be deemed to have incurred the penalties provided for a breach of the provisions of this Part. *New.*

## REQUIREMENTS

Require-  
ments

171. Subject to sections 169 and 170, sections 173 to 596 shall be observed and carried out at every mine and plant. 1961-62, c. 81, s. 171, *amended*.

Interpre-  
tation

172. In sections 173 to 596,

- (a) "blasting agent" means a type of explosive of low sensitivity that cannot, as mixed and packaged for use, be detonated by a single No. 8 detonator, and, unless specified, the requirements for explosives do not apply to a blasting agent;
- (b) "boatswain's chair" means a suspended scaffold in the form of a seat used by one person in a sitting position and supported by slings attached to a suspended rope, and includes the wearing of a safety belt by the person;
- (c) "charge" means,
  - (i) explosives and a detonator,
  - (ii) a blasting agent and a detonator, or
  - (iii) a blasting agent and a detonator and primer that is exploded as a single unit;
- (d) "drum hoist" means the type of hoist that spools the rope on the hoist drum;
- (e) "explosives" includes detonators and those powders that are cap sensitive with a single detonator as packaged for use, and includes black blasting powder;
- (f) "fire-resistive" when applied to buildings, structures or parts thereof, means constructed in an approved manner of steel, masonry, reinforced concrete, or other equivalent materials, or any combination of such materials;
- (g) "friction hoist" means the type of hoist where the rope is driven by the friction between it

and

and the drum tread and where the rope is not spooled on the hoist drum but passes over or around it;

- (h) "safety belt" means a belt worn round the waist of a person and includes the rope and necessary fittings attached to the belt, which shall be suitable for their purpose, and the safety belt shall be of sufficient strength to absorb twice the load of energy which, under the circumstances of its use, could be transmitted to it;
- (i) "safety harness" means a combination of a belt worn round the waist of a person and straps attached to the belt and passing over the person's shoulders, with the necessary rope fittings and assembly that meets the strength requirements of a safety belt and is suitable for raising the person by the rope without permitting the body of the person to bend at the waist;
- (j) "shot" means the sound of a charge or charges being exploded;
- (k) "therm-hour" means 100,000 British thermal units per hour or 39.3082 brake horse-power;
- (l) "utility hoist", including "tugger hoist" other than a hoist designated as a "construction hoist", means a powered hoist used for handling materials only in or about a mine or plant, and the safety requirements may be designated by the district electrical-mechanical engineer according to the conditions of use,

and the decision of an engineer as to whether or not a situation complies with a requirement therein in which "suitable", "adequate", "approved", or any expression of like import, is used and as to the meaning and application of any such expression is final and conclusive, and a certificate of any such decision signed by the engineer may be used as evidence in any court. 1961-62, c. 81, s. 172, *amended*.

## PERSONAL PROTECTIVE EQUIPMENT AND CLOTHING

Safety  
hats and  
footwear

173.—(1) An approved safety hat and approved safety footwear shall be worn by every person employed,

(a) underground in a mine;

(b) in a location in a pit or quarry designated by the district mining engineer.

Designated  
areas for  
protective  
equipment

(2) The manager shall designate such other areas or occupations and circumstances where any or all of the following items shall be worn by every person employed therein:

1. Approved safety hat.

2. Approved safety footwear.

3. Approved eye protective equipment.

4. Approved hearing protective equipment.

5. Approved breathing apparatus.

6. Any other approved personal protective equipment which the job in question may require.

Hearing  
protection

(3) The manager shall ensure that all steps practicable are taken to prevent injury to the hearing of a person from excessive noise.

Masks,  
respirators,  
etc.

(4) Where applicable, masks or respirators of an approved type and design for the hazard involved shall be worn by persons who are exposed to dust, gases, or irritating and dangerous fumes.

Idem

(5) Every person shall properly maintain his mask or respirator.

Idem

(6) Emergency breathing apparatus, where required, shall be maintained in condition for immediate use, and,

(a) the manager shall designate a responsible person to regularly inspect, sterilize and perform any necessary maintenance on such apparatus; and

(b) such apparatus, when not in use, shall be stored in a dust-tight container.

- (7) There shall be provided and maintained in safe <sup>Safety belts, etc.</sup> condition safety belts or safety harnesses for the use of persons where necessary.
- (8) Every person shall properly maintain his safety belt <sup>Idem</sup> or safety harness.
- (9) Every person employed at a mine or plant shall, <sup>Duty to wear safety equipment</sup>
- (a) use or wear the personal protective clothing and equipment required by this Part; and
  - (b) properly maintain his personal protective clothing and equipment. *New.*

## FIRE PROTECTION — MINES

174. Sections 175 to 195 and sections 559 to 563 apply at <sup>Application of ss. 175-195 and ss. 559-563</sup> mine operations underground and in the vicinity of shaft collars. *New.*
- 175.—(1) General procedure to be followed both on sur- <sup>Procedure</sup> face and underground in case of fire underground or in a mine plant building that may endanger the mine entrance shall be drawn up, and all persons concerned shall be informed and kept informed of their duties.
- (2) Copies of the procedure or suitable excerpts shall be <sup>Posting</sup> kept posted in the shafthouse and other prominent places. 1961-62, c. 81, s. 174 (1, 2).
- (3) A test of the effectiveness of such procedure shall be <sup>Tests</sup> made at least once a year and a report of the effectiveness of the test shall be made available to the district mining engineer. 1961-62, c. 81, s. 174 (4), *amended.*
- 176.—(1) Every mine worked from shafts or adits pro- <sup>Stench warning</sup> ducing over 100 tons of ore per day and such other mines as are designated by the district mining engineer shall be equipped with an approved apparatus for the introduction into the mine workings of ethyl mercaptan or other warning gas or material approved by the chief engineer, and such apparatus shall be available at all times in a suitable location and kept ready for instant use for the purpose of warning persons underground of any emergency necessitating a speedy evacuation of the workings.

- Idem (2) A test of the effectiveness of the warning and procedure described in subsection 1 shall be made at least once a year and a report of the effectiveness of the test shall be made available to the district mining engineer. 1961-62, c. 81, s. 175 (1, 2), *amended*.
- Idem (3) Every person employed underground shall have the meaning of the warning explained to him, and he shall be acquainted with the smell of the warning gas. *New*.
- Flammable refuse 177.—(1) No flammable refuse shall be allowed to accumulate underground but shall be removed from the workings at least once a week and brought to the surface and there disposed of in a suitable manner. 1961-62, c. 81, s. 176 (1).
- Idem (2) No flammable refuse shall be allowed to accumulate in or about a headframe, shafthouse or any plant building in which a fire may endanger the mine entrance.
- Idem (3) Suitable fire-resistive containers for the temporary disposal of flammable refuse such as scrap paper, oily waste, rags and other similar materials shall be provided at all shaft stations, underground shops, lunch rooms and enclosures necessary for the housing of machinery or equipment or stores and buildings mentioned in subsection 2, and such containers shall be regularly emptied. 1961-62, c. 81, s. 176 (2, 3), *amended*.
- Unused timber (4) All timber not in use in a mine shall, as soon as is practicable, be taken from the mine and shall not be piled up and permitted to decay therein.
- Certificate as to flammable refuse (5) Every shift boss or mine captain shall certify in writing to the mine manager at least once a week that there is no accumulation of flammable refuse underground in the area under his supervision except as reported by him.
- Storage of oil and grease (6) Oil, grease or other flammable material shall not be stored in a shafthouse or portalhouse, but it is permissible, if adequate precautions are taken, to have in the shafthouse or portalhouse, for distribution only, an amount not exceeding the requirements for one day's operation.

- (7) Volatile, flammable liquids shall not be stored in a shafthouse or portalhouse and such material shall be transported underground only in approved types of containers. <sup>Volatile, flammable liquids</sup>
- (8) Oil, grease or volatile flammable liquid while underground shall be contained in suitable metal receptacles, and the amount of oil or grease so kept underground shall not exceed the requirements for seven days and the amount of volatile flammable liquid kept underground shall not exceed the requirements for the current day's work. 1961-62, c. 81, s. 176 (4-8). <sup>Oil and grease underground</sup>
- (9) The transfer of liquid fuels from one container to another by the direct application of air under pressure shall not be permitted, except where properly designed and tested equipment is used for this purpose. 1961-62, c. 81, s. 194 (3). <sup>Idem</sup>
178. No person shall build, set or maintain a fire underground for any purpose unless he has proper authority and suitable instructions for so doing, and only after the necessary fire-fighting equipment has been provided. 1961-62, c. 81, s. 177. <sup>Building fires prohibited</sup>
179. Where open-flame lights are used at a mine not equipped with a headframe and shafthouse or portalhouse constructed of fire-resistive materials, the interior of the shafthouse or portalhouse shall be tightly sheeted with metal or a suitable fire-resistive material to a height of eight feet. 1961-62, c. 81, s. 178. <sup>Open-flame lights, precautions</sup>
180. All underground shops, lunch rooms and buildings or enclosures necessary for the housing of machinery, equipment and stores shall be constructed of fire-resistive material and so located and maintained as to reduce the fire hazard to a minimum. 1961-62, c. 81, s. 179. <sup>Underground structures</sup>
- 181.—(1) If the engineer is of the opinion that a fire hazard may be created at a mine by smoking, or by the use of open-flame lamps, matches, or other means of producing heat or fire, he may designate the mine or part or parts of the mine as a fire hazard area. <sup>Fire hazard areas</sup>
- (2) No person shall smoke or be allowed to smoke, use open-flame lamps, matches or other means of producing heat or fire in such areas except with the permission in writing of the engineer and under such conditions as he deems proper. <sup>Idem</sup>

- Idem (3) Such fire hazard areas shall be properly identified by suitable warning signs. 1961-62, c. 81, s. 180 (1-3).
- Idem (4) The manager shall cause such signs to be installed and maintained as long as the area is so designated. 1961-62, c. 81, s. 180 (4), *amended*.
- When flammable gas encountered in mine 182. When a flammable gas in dangerous concentrations has been found to exist in a mine working, such working or the parts of such working concerned shall immediately be considered a fire hazard area, and every precaution shall be taken while clearing the area or doing any work therein to prevent ignition of the gas and these precautions shall be continued as long as the hazard exists. 1961-62, c. 81, s. 181.
- Fire-fighting equipment 183.—(1) Suitable fire-fighting equipment shall be provided and maintained in or about every headframe, shafthouse, portalhouse and every plant building in which a fire may endanger the mine entrance and at every shaft or winze station underground. 1961-62, c. 81, s. 182 (1), *amended*.
- Idem (2) Suitable fire-fighting equipment shall be provided and maintained at all underground crushers, pump stations, tipples and underground electrical installations except where, in the opinion of the engineer, no fire hazard exists. 1961-62, c. 81, s. 182 (2).
- Idem (3) A properly authorized person or persons shall make a monthly inspection of all fire-fighting equipment referred to in subsections 1 and 2, and shall make a report in writing to the manager stating that such examination has been made and certifying as to the conditions found. 1961-62, c. 81, s. 182 (3), *amended*.
- Storage of carbide 184.—(1) Calcium carbide shall be stored on the surface only, in a suitable, dry place, other than the shaft-house or portalhouse or changehouse, and in its original unopened container.
- Distribution of carbide (2) For the purpose of distributing calcium carbide, adequate provisions for the handling of quantities not in excess of one day's supply or 100 pounds, whichever is the greater, shall be made at every mine.
- Idem (3) Such distribution shall not take place in a shaft-house, portalhouse or changehouse unless such structure is fire-resistive but shall be provided for by the

installation of a suitable distribution centre not closer than fifty feet to the nearest point of any part of the headframe, shafthouse or portalhouse.

- (4) Adequate precautions shall always be taken to ensure that calcium carbide is handled in a safe manner and no calcium carbide shall be taken underground except in suitable containers. 1961-62, c. 81, s. 183. Handling of carbide
185. Where operations involving the use of acetylene, kerosene, gasoline or other torches are conducted in a headframe, shafthouse, portalhouse or other building in which a fire may endanger the mine entrance or the underground workings of a mine, suitable measures for protection against fire shall be adopted and rigidly adhered to. 1961-62, c. 81, s. 184. Fire protection where torches used
- 186.—(1) Where cylinders of compressed gas, such as acetylene and oxygen, are transported underground for any cutting or welding operation, all fittings, such as regulators and manifolds, shall be disconnected from the cylinders and the valves shall be protected in a suitable manner. 1961-62, c. 81, s. 185. Underground transportation of compressed gases
- (2) Any such removable protective device shall be replaced at any time a cylinder is left unattended or before a cylinder is moved to a new location. 1961-62, c. 81, s. 185 (1, 2). Idem
- (3) In all cases where cylinders of compressed gas are operated from within any cage, skip or other shaft conveyance, or where the cylinders are set up in a location not readily accessible to the person operating the nozzle equipment, a second competent person shall be employed at all times to attend to the operation of the cylinder-control devices. 1961-62, c. 81, s. 185 (3), *amended*. Operation of welding and cutting torches
- (4) In all cases where cylinders of compressed gas are used underground for the purpose of supplying cutting or welding equipment, special precautions shall be observed to avert the possibility of damage to or failure of the regulators, manifolds and hoses used in conjunction with the equipment. 1961-62, c. 81, s. 185 (4). Compressed gas
187. No device for the generation of gas, such as acetylene for supplying cutting or welding equipment, shall be used in the underground workings of a mine. 1961-62, c. 81, s. 186. Generation of gas underground forbidden

Escape-  
ment exit

188.—(1) In every mine where a vertical or inclined shaft has been sunk or an adit driven and stoping has commenced, there shall be provided and maintained, in addition to the hoisting shaft or the opening through which persons are let into or out of the mine and the ore extracted, a separate escapement exit. 1961-62, c. 81, s. 187.

Location  
and cover  
of exit

(2) Such exit shall be outside any structure covering the main entrance to the mine and shall be isolated by a distance of not less than one hundred feet from the main entrance.

Idem

(3) Any structure covering such exit shall be of fire-resistive material and so constructed to reduce the fire hazard to a minimum. 1961-62, c. 81, s. 187 (1, 2), *amended*.

When  
necessary

(4) If such an escapement exit is not in existence at the time that stoping is commenced, work upon it shall be begun as soon as stoping is commenced and shall be diligently prosecuted until it is completed, and means of escapement, other than the main outlet of the mine, shall be provided to and connected with the lowest level on which stoping operations are being carried on.

Size of  
exit

(5) The escapement exit shall be of sufficient size to afford an easy passageway and, where necessary, shall be provided with good and substantial ladders from the deepest workings to the surface.

Monthly  
exit  
inspection

(6) The manager shall depute some competent person or persons to make an inspection of such escapement exit at least once a month.

Record of  
inspection

(7) A record of such inspection and the conditions found shall be made in writing by the person making it. 1961-62, c. 81, s. 187 (3-6).

Legible  
signs  
showing  
exits

(8) Legible signs showing the way to escapement exits shall be posted in prominent places underground and all persons employed underground shall be instructed as to the location of the escapement exits. 1961-62, c. 81, s. 187 (7), *amended*.

Buildings  
in-  
proximity  
to mine  
entrance

189.—(1) Unless there is first provided a second means of exit from the mine workings, no building of other than fire-resistive construction shall be erected within fifty feet of any closed-in part of a headframe

or portalhouse, except that the fire-resistive building housing the hoist and power plant equipment may be erected within this distance so long as such distance is not less than thirty-five feet. 1961-62, c. 81, s. 188.

- (2) Where a hoist is located above the mine shaft, the supporting and enclosing structures shall be of fire-resistive material. *New.* Idem
190. No steam boiler or diesel engine shall be installed in such a manner that any part thereof is within seventy-five feet of the centre line of the collar of a shaft or other entrance to a mine. 1961-62, c. 81, s. 190. Location of boilers and diesel engines
191. No gasoline or other internal combustion engine using highly volatile liquids or flammable gases shall be installed, serviced, garaged or stored in or within fifty feet of the building housing the hoist nor within 100 feet of the centre line of the collar of a shaft or other entrance to a mine. 1961-62, c. 81, s. 191, *amended.* Location of internal combustion engines
- 192.—(1) Except for the actual fuel tanks of operating equipment, no storage of gasoline or liquid fuel shall be permitted within 100 feet of the collar of a shaft or other entrance of a mine. Storage of liquid fuels
- (2) The natural drainage from such a location shall be such that the flow is in a direction opposite to the location of any such shaft or mine entrance. 1961-62, c. 81, s. 192. Idem
- 193.—(1) Where practicable, there shall be a sufficient number of suitable fire doors installed underground to cut off the shaft and the mine openings directly associated with it from the other workings of the mine. 1961-62, c. 81, s. 195 (1), *amended.* Fire doors
- (2) Fire doors shall be maintained in proper order and kept clear of all obstructions so as to be readily usable at all times. 1961-62, c. 81, s. 195 (2). Properly maintained
194. Where the chief engineer deems it necessary or advisable for the protection of persons employed underground, he may order refuge stations to be provided and maintained at such places in the mine as he directs, and every such refuge station shall have water, air and telephone connections to the surface and be separated from the adjoining workings by closeable openings so arranged and equipped that gases can be prevented from entering the refuge station. 1961-62, c. 81, s. 196, *amended.* Refuge stations

Connection  
between  
mines

195.—(1) Where the chief engineer deems it necessary or advisable for the protection of persons employed underground, he may recommend in writing to the Minister that a connection between mines be established at such places as he deems advisable and he may further recommend that such connection be so made and equipped as to constitute a refuge station or refuge stations. 1961-62, c. 81, s. 197 (1), *amended*.

Idem

(2) Upon the approval by the Minister of any such recommendation, a copy thereof, accompanied by a copy of this section, shall be served personally upon or sent by registered mail to the owner or the agent and the manager of each of the mines affected. 1961-62, c. 81, s. 197 (2).

Committee

(3) Upon the approval of such a recommendation of the chief engineer, the Minister may in writing signed by him direct each of the mining companies concerned to appoint a representative to act in its behalf on a committee under the chairmanship of a third party, who shall be a mining engineer recommended by the chief engineer and appointed to the chairmanship of the committee by the Minister, and the committee shall determine,

(a) the design, specifications and location of the connecting passages, bulkheads or other structures to be constructed in order to safeguard the present and future operations of the mines affected;

(b) the work to be done by each of the mines affected and the proportion in which the cost of the work and of establishing and maintaining the connection shall be borne by the owners or agents of the mines affected;

(c) the time at which the work in compliance herewith shall be commenced and completed;

(d) the proportion in which the costs and expenses of the committee shall be borne by the owners or agents of the mines affected; and

(e) such other provisions or requirements as in the premises they deem necessary or advisable. 1961-62, c. 81, s. 197 (3), *amended*.

- (4) The committee shall submit a report in writing to the Minister, and a report of the majority of the committee shall be deemed to be the finding of the committee. <sup>Idem</sup>
- (5) Upon the approval by the Minister of the report of the committee, the chief engineer may issue his order for the establishment and maintenance of such connection and refuge station or stations (if any are recommended) in accordance with the terms of the report. <sup>Idem</sup>
- (6) A copy of the report shall be attached to the order and forms a part thereof. <sup>Idem</sup>
- (7) No such order is subject to appeal upon any ground whatsoever and is enforceable in the same manner as any order of the chief engineer. 1961-62, c. 81, s. 197 (3-7). <sup>Idem</sup>

#### FIRE PROTECTION — PLANTS

- 196.—(1) Suitable fire-fighting equipment shall be provided and maintained in or about every plant building. 1961-62, c. 81, s. 182 (1), *amended*. <sup>Fire-fighting equipment</sup>
- (2) Procedures for fighting fire in plant buildings shall be drawn up and suitable signs pertaining to and excerpts from the procedures shall be kept posted in prominent places. 1961-62, c. 81, s. 174 (3), *amended*. <sup>Idem</sup>
  - (3) A properly authorized person or persons shall make a monthly inspection of all fire-fighting equipment and shall make a report in writing to the manager stating that such examination has been made and certifying as to the conditions found. 1961-62, c. 81, s. 182 (3). <sup>Idem</sup>
- 197.—(1) Where an internal combustion engine is installed at a plant, provision shall be made for safely conducting the exhaust of such engine to a point well outside the building. 1961-62, c. 81, s. 192 (1), *amended*. <sup>Exhaust of internal combustion engines</sup>
- (2) The exhaust shall be so arranged as to avert the possibility of fumes re-entering the building or entering the intake of an air compressor or contaminating the atmosphere of any adjacent buildings or mine workings. 1961-62, c. 81, s. 192 (2). <sup>Idem</sup>

Transfer of  
liquid  
fuel

198.—(1) The fuel tanks of an internal combustion engine installed in a building shall be so arranged that the actual transfer of fuel to the fuel tank takes place at a point outside the building and the fuel is conducted to the tank in a tightly-jointed pipe or conduit.

Idem

(2) Similar provisions for the escape of displaced air from the fuel tank shall be made whereby the displaced air will be conducted to a safe point outside the building before being discharged into the atmosphere. 1961-62, c. 81, s. 194 (1, 2).

Dangerous  
materials

199. Any dangerous, flammable or explosive material or substance in a solid, liquid or gaseous state or any combination of them, other than manufactured explosives and blasting agents, that is kept, stored or handled, in a plant,

(a) shall be kept in a container that is suitable having regard to the nature and state of the material or substance; and

(b) shall be kept apart or insulated from any reasonably foreseeable source of ignition or from temperatures likely to cause combustion,

and where the material or substance is kept, stored or handled for a purpose other than immediate use, it shall be kept, stored or handled,

(c) outside any building;

(d) in a building not used for any other purpose;  
or

(e) in a fire-resistive compartment satisfactory to the district mining engineer as to location and construction. *New.*

Exits

200.—(1) All plant buildings, except those used for the storage of explosives and blasting agents, shall be provided with adequate and properly maintained means of egress, convenient to and having easy communication with all rooms, regularly occupied by a person, including,

(a) tower stairs of fire-resistive construction equipped with fire-resistive doors and hardware, satisfactory to an engineer, at each storey including the basement; and

(b)

- (b) where permitted by an engineer, metal or other non-combustible fire escapes consisting of exterior stairways with railings and with landings at each storey connecting directly with the interior of the building through metal or other fire-resistive doors.
- (2) No means of egress from a plant building shall be obstructed and no door to a fire escape, tower stair or other smoke-proof enclosure shall be prevented from closing or remaining closed. <sup>Idem</sup>
- (3) Notwithstanding that a door is locked to prevent ingress to a building or room, the door shall be deemed to be not locked, bolted or barred if it is provided with a mechanism for unlocking it quickly from the inside that requires no special skill, effort or previous knowledge for its operation. *New.* <sup>Idem</sup>

201. Where,

Dangerous  
material

- (a) any grinding, polishing, screening or other process is likely to produce dust or other particles of such size or character and to such an extent as to be capable of producing a flammable mixture; or
- (b) any mixing, handling, dispensing or storage of any material is likely to produce a gas, vapour or mist of such character and to such extent as to be capable of producing a flammable mixture,

all practicable steps shall be taken to,

- (c) enclose the equipment used in the process;
- (d) prevent or remove any accumulation of dust, vapour, gas or mist that may escape from the enclosure;
- (e) exclude or effectively enclose all potential sources of ignition of the flammable mixture;
- (f) restrict the spread and effects of any burning or explosion by the provision of vents, baffles and chokes or other devices satisfactory to an engineer; and

(g)

- (g) when so directed by an engineer create and maintain an inert atmosphere in contact with dust or other particles mentioned in clause *a* or mixed with the gas, vapour or mist mentioned in clause *b*. *New.*

## AID TO INJURED

Stretchers

- 202.—(1) At every mine or plant, there shall be maintained a sufficient number of properly-constructed stretchers for the proper handling and transporting of persons who are injured.

First aid supplies

- (2) There shall be provided and maintained at every mine or plant, for the treatment of any person injured, such personnel, equipment and vehicles and such first-aid supplies as are required by the regulations under *The Workmen's Compensation Act, 1961-62, c. 81, s. 198, amended.*

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## ENVIRONMENTAL CONDITIONS

## SANITATION — MINES

Sanitary  
con-  
veniences,  
mines

203. There shall be provided in the workings of a mine suitable sanitary conveniences in accordance with the following requirements:

1. Where persons are employed underground, one sanitary convenience for every twenty-five persons or portion thereof on any shift.
2. The sanitary conveniences mentioned in item 1 shall be conveniently placed, having regard to the number of persons employed on the different levels, in a well-ventilated part of the mine.
3. Where persons are employed at an open pit or a clay, sand or gravel pit or quarry, one sanitary convenience and one urinal for every twenty-five persons or portion thereof on any shift.
4. The sanitary conveniences mentioned in items 1 and 3 shall be kept clean and sanitary and the content disposed of regularly. 1961-62, c. 81, ss. 206, 207, *amended.*

Idem

204. Any person depositing faeces in any place underground, other than in a sanitary convenience provided, is guilty of an offence against this Act. 1961-62, c. 81, s. 208.

Drinking  
water

- 205.—(1) A supply of potable water shall be provided in mine workings on surface and at points underground

reasonably

reasonably accessible to the working places. 1961-62, c. 81, s. 209, *amended*.

- (2) All locations where a supply of potable water is <sup>Idem</sup> provided shall be kept in a clean and sanitary condition.
  - (3) (a) The manager shall provide underground, <sup>Lunchrooms</sup> where more than fifteen persons congregate to eat, an area or places sufficiently large to accommodate all such persons.
  - (b) Every such area or place shall be adequately <sup>Idem</sup> heated and ventilated and shall be provided with an adequate supply of warm water, soap and paper towels.
  - (4) All supplied potable water in a mine shall be governed <sup>Standard of drinking water</sup> by the standard of drinking water objectives set by the Ontario Water Resources Commission.
  - (5) Wherever, at a pit or quarry, the facilities referred <sup>Transportation to washing facilities</sup> to in subsection 1 of section 206 are located at a distance from the place of work, adequate transportation shall be provided. *New*.
- 206.—(1) If persons are employed underground or in hot <sup>Dressing rooms</sup> or dusty occupations on surface at a mine, suitable and sufficient accommodation, including supplies of clean, cold and warm water for washing themselves, shall be provided above-ground near the principal entrance of the mine to enable such persons to conveniently dry and change their clothes.
- (2) Such accommodation, unless of fire-resistive construction, shall not be nearer than fifty feet to a shafthouse or portalhouse and it shall not be located in a hoistroom or boilerhouse unless a separate, properly-constructed room is provided. 1961-62, c. 81, s. 210, *amended*.

#### SANITATION — PLANTS

- 207.—(1) There shall be provided in every plant suitable, <sup>Sanitary conveniences, plants</sup> separate wash and toilet rooms for male and female persons that are conveniently accessible and in accordance with the following requirements:
1. Where fewer than six persons are employed, a room containing a wash basin and a flush toilet and having a door that has a locking device on the inside.
  2. Where six or more persons are employed, there shall be provided for the number of

employees of each sex in a group itemized in column 1 of the Table not less than the number of separate flush toilets and separate wash basins for each sex opposite thereto in column 2.

TABLE

Item	COLUMN 1		COLUMN 2	
	No. of male Employees	No. of female Employees	No. of	
			Toilets	Wash-basins
1	1 to 9	1 to 9	1	1
2	10 to 24	10 to 24	2	2
3	25 to 49	25 to 49	3	3
4	50 to 74	50 to 74	4	4
5	75 to 100	75 to 100	5	5
6	Over 100	Over 100	Add one toilet and one wash basin for each additional thirty employees or fraction thereof.	

3. Notwithstanding item 2,

- i. in toilet rooms for more than nine male employees, urinals shall be substituted for not less than one-quarter and not more than one-half of the number of flush toilets required by item 2, or
- ii. in toilet rooms for more than nine female employees, urinals may be substituted for not more than one-half of the number of flush toilets required by item 2.

4. Subject to item 3, urinals or wash fountains in straight trough form and wash fountains in circular form may be provided in lieu of toilets or wash basins, as the case may be, and,

- i. where a circular wash fountain is provided, each twenty inches of its circumference is deemed to be the equivalent of one wash basin, and
- ii. where a urinal or wash basin in straight trough form is provided, each twenty-

four inches of its length is deemed to be the equivalent of one toilet or one wash basin, as the case may be.

- (2) Where wash fountains or wash basins are provided, <sup>Wash basins</sup> they shall be supplied with hot and cold water from taps or outlets that are satisfactory to an engineer.
- (3) Water for washing purposes, <sup>Hot water</sup>
  - (a) shall not exceed 140° Fahrenheit at any outlet; and
  - (b) shall not be mixed directly with steam.
- (4) Where the municipality in which the plant is located <sup>Where privies permissible</sup> is not serviced by a water or sewage system and flush toilets cannot be provided, privies or other toilets satisfactory to an engineer shall be provided.
- (5) Every toilet for employees and every urinal for <sup>Requirements for toilets</sup> female employees shall occupy an individual compartment with a suitable door and lock and the compartment shall have a length of not less than four feet six inches and a width of not less than two feet eight inches.
- (6) The height of any compartment door, wall or partition between toilets for employees and between urinals for female employees may be less than the height of the room but the top of the door or partition shall be not less than five feet six inches from the floor and the bottom not more than one foot from the floor. <sup>Idem</sup>
- (7) Every compartment shall be supplied with a clothes <sup>Idem</sup> hook.
- (8) Every toilet room and washroom shall be adequately <sup>Lighting</sup> lighted and kept in good repair and in a sanitary condition.
- (9) Toilets, urinals and other sanitary conveniences shall <sup>Repair</sup> be kept in good repair and in a sanitary condition.
- (10) Toilet rooms and washrooms shall, <sup>Requirements for toilet rooms and washrooms</sup>
  - (a) have legible signs indicating for which sex the room is provided and be constructed so as to prevent a view of the facilities from outside

the

the room and so as to prevent, as far as is practicable, accidental entry into the room by a person of the opposite sex;

- (b) have provided and maintained for the use of persons a convenient and sufficient supply of clean towels or suitable air dryers, soap or other suitable cleansing agent, toilet paper and in each toilet room used by females a suitable covered receptacle;
- (c) be, where separated, adjacent and connected with a door or doorway;
- (d) have a ceiling height of not less than eight feet with the enclosing walls extended to the ceiling and constructed of material impervious to liquid to a height of not less than four feet;
- (e) have mechanical exhaust to the outdoors at a volume of not less than two cubic feet per minute for each square foot of the floor area of the room, or that have windows or skylights so constructed that, for each toilet and for each urinal in the room, not less than two square feet of the window or skylight can be opened;
- (f) have an opaque window or skylight where necessary to ensure privacy;
- (g) have smooth floors of terrazzo, vitrified tile, mastic tile, asphalt or other equally non-absorbent, easily cleaned material. *New.*

Drinking  
water

208. There shall be provided:

1. A supply of potable water in a place where the tap or outlet is distant from any sanitary convenience and, where the supply is not taken directly from a water pipe, the supply shall be contained in a covered vessel having a drain faucet and shall be renewed at least daily.
2. Where the potable water is not delivered in an upward jet from which the employees can

conveniently

conveniently drink, a sufficient supply of individual drinking cups located near the tap or outlet.

3. Except where otherwise permitted by an engineer, at least one tap or outlet for drinking water on every floor where work is regularly performed and within 300 feet of every employee's normal work station.
4. All supplied potable water in a plant shall be governed by the standards of drinking water objectives set by the Ontario Water Resources Commission. *New.*

209. There shall be provided:

Change  
rooms

1. Such dressing rooms as an engineer may direct.
2. Suitable accommodation for clothing not worn by employees during working hours and for work clothes that must be kept separate from street clothes because of the presence of poisonous, irritating or infectious materials.
3. Where necessary, adequate facilities for drying work clothes. *New.*

210.—(1) The manager shall provide on surface, where more than fifteen persons congregate to eat, an area or places sufficiently large to accommodate all such persons together with equipment satisfactory to an engineer.

Lunch  
areas

(2) The employer shall ensure that no person takes food into or eats in a room, area or place where any poisonous substances are exposed or where deleterious vapours, mists, fumes, dust or gases are known to be present or any room, area or place designated by an engineer, and shall ensure that potable water in any such room, area or place is taken directly from a water pipe or fully enclosed container.

Idem

(3) No person shall take food into or eat in a room, area or place referred to in subsection 2. *New.*

Idem

211. An engineer may, with respect to a plant in operation before the requirements of sections 207 to 210 came into force, permit the continued use of such sanitary facilities satisfactory to him that are in use therein notwithstanding that such facilities do not comply with the requirements of the said sections. *New.*

Existing  
plants

Lighting

212. Wherever persons are required to work in a plant, suitable natural or artificial lighting without unnecessary glare or shadows, shall be provided and maintained and where necessary be sufficient to enable a person with normal vision to read dials on control panels or typewritten orders and instructions without eye strain. *New.*

## VENTILATION AND DUST CONTROL — MINES

Pure air required

- 213.—(1) The ventilation in every mine shall be such that the air in all of its workings, which are in use shall be free from dangerous amounts of noxious impurities and shall contain sufficient oxygen to obviate danger to the health of anyone employed in the mine.

Mechanical ventilation systems

- (2) In mine workings where air as described in subsection 1 cannot be obtained by natural ventilation, approved means for mechanical ventilation shall be provided and kept in operation until the workings have been abandoned or until satisfactory natural ventilation has been brought about therein. 1961-62, c. 81, s. 203 (1, 2), *amended*.

Use of fans

- (3) All structures containing fans used in connection with the underground ventilation of a mine shall be constructed of fire-resistive materials. 1961-62, c. 81, s. 203 (3), *amended*.

Heating mine air

- (4) Any proposed method of heating the underground mine ventilating air shall be submitted for approval to the district electrical-mechanical engineer.

Direct-fired heaters

- (5) Any proposed method of heating air at a mine, using a direct-fired heater, shall have the design approved by the Department of Energy and Resources Management prior to final acceptance by the chief engineer. *New.*

Underground workings, examination of air

- (6) Underground workings that are not in a positive ventilation circuit shall be examined before being used in order to ascertain whether dangerous gases have accumulated there or whether an oxygen deficiency exists, and only such persons as are necessary to make the examination shall be allowed to proceed to such places until the workings are safe to work or travel in.

Idem

- (7) Such workings shall be barricaded off and posted with signs which warn persons of the hazard.

Idem

- (8) Only authorized persons shall enter such posted workings. 1961-62, c. 81, s. 204, *amended*.

- (9) No internal combustion engine shall be installed or operated in a shaft or adit or in any working in connection with a shaft or adit unless permission in writing from the chief engineer is first obtained. 1961-62, c. 81, s. 205 (1). Internal combustion engine under-ground
- (10) Every place in a mine, where drilling, blasting or other operations produce dust in dangerous quantities, shall be adequately supplied at all times with clean water under pressure or other approved appliance for laying, removing or controlling dust. Keeping water supply to lay dust
- (11) A development heading, such as a drift, cross-cut, raise or sub-drift, shall be furnished with an approved water blast which shall discharge within an effective distance of the face being advanced and shall be applied so as to wet the area for at least fifteen minutes after blasting, and, if such area is not thoroughly wetted prior to the entry of any person it shall be wetted down as soon as possible. 1961-62, c. 81, s. 280 (1, 2). Approved water blast
- (12) A fresh air supply independent of the air supplied to any machine or drill used therein shall be provided, Auxiliary air supply
- (a) in every raise;
- (b) in every sub-drift over twenty-five feet in length; and
- (c) in every stope with one entry and no through ventilation,
- and such fresh air supply shall be controlled outside or at the beginning of the heading, and the air shall be turned on by the blaster after he has detonated any blast in the heading. 1961-62, c. 81, s. 280 (3), *amended*.
- (13) Before returning to the scene of a blasting operation, every person shall assure himself that sufficient air has been introduced into the working place to drive out or dilute to a safe degree the gases produced in the blasting operation. 1961-62, c. 81, s. 249, *amended*. Ventilation of working places after blasting
- (14) The times for blasting shall be so fixed that persons shall be exposed as little as practicable to dust and smoke. 1961-62, c. 81, s. 281, *amended*. Time for blasting

## VENTILATION AND DUST CONTROL — PLANTS

Pure air  
required

- 214.—(1) There shall be provided a positive supply of fresh air into, and provision for the removal of vitiated air from, a plant building that is sufficient to keep the air reasonably pure and to render harmless, so far as is reasonably practicable, all gases, vapours, dusts or other impurities that are likely to endanger the safety of any person therein.

Heating

- (2) The temperature of all plant buildings in which persons are normally required to work shall be regulated so as to be suitable for the work to be performed therein, and so as to be not likely to endanger the safety of any person. *New.*

Direct-fired  
heaters

- (3) Any proposed method of heating air at a plant, using a direct-fired heater, shall have the design approved by the Department of Energy and Resources Management prior to final acceptance by the chief engineer.

Mechanical  
ventilating  
systems

- (4) There shall be provided and used, where a process is carried on that produces a gas, vapour, dust or other impurity that is likely to be inhaled to an injurious extent by persons in the plant building, such mechanical means satisfactory to an engineer, as are capable of,

- (a) preventing, as far as is reasonably practicable, such inhalation;
- (b) effectively carrying off and disposing of such gases, vapours or dusts; and
- (c) preventing, as far as is reasonably practicable, the recirculation and re-entry of air containing such impurities.

Personal  
protective  
equipment

- (5) Where required, suitable personal protective equipment shall be worn by any person exposed to any hazard mentioned in subsection 4.

House-  
keeping

- (6) Any place in a plant where dust may accumulate shall be regularly cleaned by vacuum, wet sweeping, wet shovelling or other method that reduces the dissemination of dust into the atmosphere.

Abrasive  
blasting

- (7) Abrasive blasting or other like operations inside a plant shall be conducted inside an enclosure so constructed and ventilated as to effectively prevent dust from entering the atmosphere of a plant building,

- (a) if this is impracticable; or

(b)

- (b) where the operation is likely to produce silica or other harmful dusts in the atmosphere of the plant,

the person conducting the operation and other persons in the affected area shall wear suitable breathing apparatus.

- (8) Suitable precautions shall be taken to ensure that any tank, vat, chamber, pit, pipe, flue or confined space in a plant that may be entered by any person, <sup>Confined spaces and tanks</sup>

(a) has a suitable man-hole or other means of easy egress from all accessible parts of the confined space; and

(b) is safe for entry.

- (9) Any container referred to in this section shall be tested by a qualified person, who shall record the result of each test conducted by him, and these records shall be available to an engineer. <sup>Containers</sup>

- (10) Where any container referred to in this section has been tested and found, <sup>Idem</sup>

(a) unsafe for entry; or

(b) safe for entry, but may thereafter become unsafe to remain in or enter,

no person shall enter or be allowed to enter or remain in such container unless,

(c) the person is using a suitable breathing apparatus and wearing a safety belt or safety harness, the free end of the rope of which is held by a person, equipped with a suitable alarm, who is keeping watch outside the container and who is capable of pulling the person from the confined space; and

(d) the person entering the container is using such other equipment necessary to ensure his safety; and

(e) there is conveniently available a person adequately trained in artificial respiration. *New.*

#### PROTECTION IN MINES AND PLANTS

215. Where any gas, liquid, vapour or dust is at a pressure other than atmospheric pressure, no person shall open or be allowed to open its container unless, <sup>Dangerous pressures</sup>

(a)

- (a) before any fastening of the container and of any container connected therewith is loosened, any flow into or out of such container is effectively stopped; and
- (b) before any fastening of the container is removed, all practicable steps are taken to adjust the pressure of gas, vapour, liquid or dust in the container so that the pressure equals atmospheric pressure,

and if any such fastening has been loosened or removed, it shall be securely replaced before any gas, vapour, liquid or dust is permitted to enter the container. *New.*

Plastic  
piping

216. The installation of plastic pipe used with a pressure in excess of 50 pounds per square inch shall be approved by the district engineer. *New.*

Transfer of  
liquids or  
solids by  
compressed  
air

217. The transfer of liquids or solids, including fuels, from one location or container to another location or container by the application of air under pressure shall not be permitted, except where properly-designed and tested equipment is used for this purpose. 1961-62, c. 81, s. 431, *amended.*

#### PROTECTION IN PLANTS

Open tanks,  
vats, etc.

- 218.—(1) Every tank, vat or other container for holding a liquid, the top edge of which is less than three feet six inches above the highest floor, ground or platform from which a person might fall into it, shall be securely covered or securely fenced to at least three feet six inches above such floor, ground or platform.

Silos,  
hoppers,  
etc.

- (2) Every silo, bin, hopper or other container or structure that is constructed to discharge from the bottom dry bulk material contained or stored in it, shall have the top of the silo, bin, hopper, structure or container,
- (a) provided with a solid cover; or
  - (b) guarded with a metal grating or bars; or
  - (c) traversed by a gangway; or
  - (d) encircled or encompassed at its perimeter by a floor or platform.

- (3) Where, in the opinion of an engineer, the provisions of subsection 1 or 2 are not practicable, <sup>Other safety precautions</sup> other practicable means satisfactory to the engineer shall be taken to prevent any person from falling into the container.
- (4) Any stair, gangway or platform above, across, inside <sup>Gangways, etc.</sup> or outside a container referred to in subsection 1 or 2 shall be,
- (a) at least twenty-two inches wide;
  - (b) provided with an upper rail and either an intermediate rail and toe board or equivalent protection on both sides to a height of not less than three feet six inches; and
  - (c) securely fixed.
- (5) Any covering, fencing, stair, gangway or platform mentioned in this section shall be maintained in a safe condition. <sup>Duty to maintain</sup>
- (6) No person shall enter or be allowed to enter or remain in any silo, bin, hopper, or other container or structure for containing or storing bulk material unless, <sup>Precautions on entry</sup>
- (a) all further supply of material thereto is stopped and proper precautions are taken to prevent any further supply; and
  - (b) the person is wearing a safety belt or safety harness, and at least one other person, equipped with a suitable alarm, is in constant attendance, outside the container, who is capable of rendering any necessary assistance. *New.*
- 219.—(1) Before any person is allowed to work on a stock pile of ore, limestone, coke or other material, the stock pile shall be inspected by some authorized person whose duty it is to see that it is in a safe working condition. 1961-62, c. 81, s. 436, *amended*. <sup>Inspection of stock pile</sup>
- (2) No person shall work or be allowed to work on or near any bulk material that is packaged or other material that is so piled and disposed as to be likely to endanger his safety. <sup>Working near bulk materials</sup>
- (3) There shall be provided two exits from a tunnel under a stockpile. *New.* <sup>Exits from tunnels under stockpiles</sup>

Protection  
from  
overhead  
operations

220. No person shall be employed in a location where another person is working overhead unless such measures for protection are taken as the nature of the work requires. 1961-62, c. 81, s. 258, *amended*.

Passage-  
ways

- 221.—(1) All passageways and other walking surfaces in a plant shall be maintained in a safe condition and free from obstructions and shall be of sufficient size to ensure that crowding, that is likely to endanger the safety of persons therein, does not occur.

Floor  
openings

- (2) Every opening in a floor or other surface in a plant building that may be used by a person shall be,
- (a) protected by a guardrail; or
  - (b) covered with securely fastened planks or other material capable of supporting any load likely to be imposed thereon.

Safe floor  
loading

- (3) The maximum safe load that a floor or roof of a plant is capable of bearing shall be conspicuously marked or posted to the satisfaction of an engineer when so directed by him.

Ladders

- (4) Except for approved access ladders to equipment, no ladder shall be installed in a plant at an inclination of more than 70 degrees to the horizontal. *New*.

Antidotes  
and  
washes

- 222.—(1) At every plant where poisonous or dangerous compounds, solutions or gases are used or produced, there shall be kept in a conspicuous place, as near the compounds, solutions or gases as is practicable, a sufficient supply of satisfactory antidotes and washes, and there shall be installed eye wash fountains and, where necessary, safety showers, for treating injuries received from such compounds, solutions or gases.

Idem

- (2) Such antidotes and washes shall be properly labelled and explicit directions for their use affixed to the boxes containing them. 1961-62, c. 81, s. 427, *amended*.

Storage,  
production,  
etc., of  
acids,  
poisons

- 223.—(1) Where an acid or poisonous compound or any other material that is likely to endanger the health of an employee is produced, transferred, used or stored in a plant, due provision shall be made to reduce to a minimum the hazard of handling or storing such material.

Personal  
protective  
equipment

- (2) Where the provisions taken under subsection 1 do not remove the hazard, personal protective equipment shall be worn by the person exposed to the hazard.

- (3) Where such material is present, there shall be posted <sup>Notice</sup> in a conspicuous place, when so required by the chief engineer, notices stating the dangers involved and the precautions to be taken.
- (4) Where required, the employer shall provide the <sup>Information</sup> chief engineer with accurate information regarding the percentage of any harmful ingredient in such material.
- (5) Any person who, for use in a plant, manufactures, <sup>Labels</sup> distributes or purchases any material that contains benzol, carbon tetrachloride, lead or other ingredient that is deemed dangerous to health by the chief engineer, shall indicate the presence of such ingredient by a label lettered in legible type, distinctly visible and affixed to each package or container thereof.
- (6) The chief engineer, on the advice of the director of <sup>Medical examination</sup> the Environmental Health Branch of the Department of Health, may require at specified intervals by qualified physicians and at the expense of the employer a physical examination of any person employed in a plant having a process that the chief engineer considers is likely to endanger such person's safety, and the physician shall forthwith send or cause to be sent to such director a report of the examination in a form suitable to the chief engineer.
- (7) The examination required under subsection 6 shall be <sup>Idem</sup> prescribed by such director and may include an x-ray examination and blood or other tests. *New.*

#### HANDLING MOLTEN MATERIALS

- 224.—(1) Persons employed in a plant in the handling of <sup>Shields for protection against burning</sup> molten materials shall be supplied with suitable shields and appliances to protect them as far as possible against being burned.
- (2) It is the duty of all such persons to use the shields <sup>Idem</sup> and appliances. *New.*
- 225.—(1) There shall be maintained in readily accessible <sup>Rescue apparatus</sup> places at all plants, where the atmosphere may contain dangerous concentrations of poisonous gases or vapours, detection equipment, breathing apparatus and portable resuscitating apparatus of approved type, with an adequate supply of material for the proper operation of the apparatus.

Trained  
personnel

- (2) There shall also be on duty in each working shift one or more persons appointed by the manager and trained in the use of breathing and resuscitating apparatus. 1961-62, c. 81, s. 451, *amended*.

Scale cars

226. Each scale car shall be provided with an audible warning alarm that shall be sounded by the operator each time a car is started, or each car shall be equipped with an automatic mechanical warning alarm that will sound when the car is moved. 1961-62, c. 81, s. 437.

Pouring of  
hot  
materials

- 227.—(1) Every effort shall be made to prevent molten material from coming into accidental contact with cold, damp or rusty surfaces where such contact may cause an explosion. 1961-62, c. 81, s. 438 (2).

Examina-  
tion of  
moulds,  
etc.

- (2) Every ladle or slag pot shall be examined before molten material is placed therein. 1961-62, c. 81, s. 438 (1).

Filling of  
moulds  
etc.

- (3) When molten material is transported by mechanical means in ladles or slag pots and the safety of persons may be endangered from splashing, every effort shall be made to ensure that the ladles or slag pots are not filled above a point four inches below the top of the ladle or slag pot.

Idem

- (4) If such limit is exceeded, the ladle or slag pot shall not be moved until the supervisor or other responsible person has warned the persons required to handle the ladle or slag pot of this condition and has warned all other persons in the vicinity. 1961-62, c. 81, s. 439, *amended*.

Slag pit

- (5) The shovel operator shall obtain authorization from the supervisor or other person in charge of a blast furnace before commencing to dig the slag pit. *New*.

Blast  
furnaces

- 228.—(1) Whenever it becomes necessary for a person to go above the casting floor of an operating furnace, excepting the access to the crane cab or runway and not adjacent to the furnace and having direct egress to the outside, such person shall notify the foreman, or other responsible person, who shall see that there is always a second person in attendance whose duty it is to remain outside the gaseous area and act as a watcher and give the alarm to the casthouse or stockhouse and render every possible assistance in case of gassing or other danger. 1961-62, c. 81, s. 444, *amended*.

- (2) Safety belts shall be provided and maintained in a readily accessible place for immediate use in case it becomes necessary to rescue a person from the top structure of a furnace or the ancillary equipment in a plant. *New.* Safety belts
  - (3) All bustle pipes shall be provided with safe working platforms equipped with hand-rails at least three feet six inches in height and, wherever practicable, the platform shall not rest directly on the bustle pipe, but shall be supported on angle bars, so that the floor plate will not become sufficiently hot to cause burns to a person falling on it. 1961-62, c. 81, s. 445 (1), *amended.* Protection from bustle pipes
  - (4) Access to the platform shall be by a stairway provided with hand-rails. 1961-62, c. 81, s. 445 (2). Idem
  - (5) A suitable line of communication by telephone, gong, or other mechanical means, shall be maintained between the furnace top, and all other dangerous places, to the cast-house, skip operator's room or other place where persons are continuously on duty. 1961-62, c. 81, s. 446, *amended.* Line of communication
  - (6) A suitable ladderway or stairway shall be provided from the foundation to the top of the furnace. 1961-62, c. 81, s. 447. Stairways and ladderways
  - (7) Unless an approved type of elevator is provided as a means of travel to the furnace top, stairways shall be installed at an angle not greater than 50 degrees from the horizontal and shall be provided with landings or turnouts at intervals of not more than twenty-five feet, measured on the slope, so that it will not be possible for a person to fall from the top to the foundation below. 1961-62, c. 81, s. 448, *amended.* Stairways protected
  - (8) When ore becomes frozen or jammed in the furnace hopper or bell and a person is required to bar the ore into the furnace, a suitable guard-rail shall be provided to prevent the person from slipping on to the bell. 1961-62, c. 81, s. 450, *amended.* Protection around bell
229. Every supervisor shall personally attend, or appoint a competent person to supervise, any work around a blast furnace in a plant that involves unusual accident hazard, such as, Supervision of hazardous work around furnaces
- (a) work in gas mains or cleaners, tearing out linings, relining, work in the casthouse, work about the stoves, when blowing in or blowing out, and any work about the bells or stock line;
  - (b)

- (b) when the furnace is known to be hanging and liable to slip, he shall see that no person is allowed on top for any purpose; or
- (c) when work beyond that of normal inspection and minor maintenance is to be conducted at the furnace top structure,
  - (i) the blast furnace shall be shut down and the area cleared of operating personnel,
  - (ii) the proper work order shall be obtained from the supervisor,
  - (iii) before the repair work is begun, the area shall be tested for toxic gas and such tests shall be continued as necessary for the protection of the personnel,
  - (iv) breathing apparatus, safety ropes and any additional rescue equipment as necessary shall be available. 1961-62, c. 81, s. 449, *amended*.

#### HAULAGE — ON SURFACE AND UNDERGROUND

Interpre-  
tation

#### 230.—(1) In this Part,

- (a) “locomotive” means a motor vehicle which only operates on rails;
- (b) “motor vehicle” means a truck, automobile or any other vehicle propelled or driven otherwise than by muscular power, and includes trackless haulage equipment;
- (c) “vehicle” includes a motor vehicle and every vehicle drawn or propelled by muscular power. *New*.

Warning  
equipment

- (2) Every locomotive or motor vehicle used on surface at a mine or plant or underground at a mine shall be equipped with a suitable audible signal that shall be maintained in proper working condition. 1961-62, c. 81, s. 297 (1), *amended*.

Warning  
equipment  
to be used

- (3) The audible signal on a locomotive or motor vehicle shall be sounded where practicable when the vehicle starts to move in an enclosed building at a mine or plant or underground at a mine and at such other times as a warning of danger is required. 1961-62, c. 81, s. 299 (1), *amended*.

Warning  
device for  
backing up

- (4) Every motor vehicle used on surface at a mine or plant or underground at a mine shall be equipped,

where

where practicable, with a suitable warning device which will operate automatically when the motor vehicle starts to move in reverse. *New.*

- (5) (a) Except when used in adequately lighted buildings or areas, every locomotive or motor vehicle used on surface at a mine or plant or underground at a mine shall be equipped with a headlight or headlights that shall be maintained in proper working condition, and motor vehicles used for trackless haulage shall be equipped with a suitable tail-light or tail-lights that shall be maintained in proper working condition. 1961-62, c. 81, s. 297 (2). Headlight and tail-light
- (b) When a motor vehicle is disabled, when lighted lamps are required, and is located on the travel portion of the roadway, suitable flares, reflectors or lamps shall be placed to give adequate warning. *New.* Disabled vehicle
- (6) Every locomotive or motor vehicle used on surface at a mine or plant or underground at a mine shall be equipped with suitable brakes. Brakes
- (7) No locomotive or motor vehicle used on surface at a mine or plant or underground at a mine shall be operated unless the brakes, steering, audible signals, lights and rear-vision mirrors, where applicable, are in satisfactory condition. Operating equipment to be in satisfactory condition
- (8) Whenever the face of a main ramp or inclined tunnel in a mine exceeds a vertical depth of 300 feet without intermediate access to the ramp or tunnel from an operating shaft or winze a suitable approved vehicle shall be provided to transport persons down and up the ramp or tunnel. *New.*
- 231.—(1) The control levers of storage battery and trolley locomotives used on surface at a mine or plant or underground in a mine shall be so arranged that the lever cannot accidentally be removed when the power is on. 1961-62, c. 81, s. 298. Control levers
- (2) No locomotive or motor vehicle used on surface at a mine or plant or underground in a mine shall be moved under its own power unless, where it is manually operated, the operator is in proper position at the controls or, where it is operated by a remote control or automated system, the system is approved by the chief engineer. *New.* Control systems
- (3) No locomotive or motor vehicle used on surface at a mine or plant or underground in a mine shall be left Unattended locomotives

unattended unless the controls have been placed in the safe position for parking and the brakes have been set. 1961-62, c. 81, s. 302.

Guard to  
protect  
motorman

- (4) The operating platform of a locomotive used on surface at a mine or plant or underground in a mine shall be provided with a suitable seat and an adequate guard for the protection of the motorman. 1961-62, c. 81, s. 299 (3), *amended*.

Wheel  
chocks

- 232.—(1) Motor vehicle haulage equipment used on surface at a mine or plant or underground in a mine shall carry, where practicable, wheel chocks to be used to block movement on slopes when the equipment is left unattended or is undergoing maintenance.

Safety  
support for  
truck boxes

- (2) Every motor driven dump truck used on surface at a mine or plant or underground in a mine shall be equipped with a suitable safety support device, which shall be used when repairs or maintenance are conducted under a raised box. *New*.

Prohibitions  
around  
moving  
machines

- 233.—(1) No operator shall leave the controls of his vehicle or machine unattended on surface at a mine or plant or underground in a mine while,

- (a) the bucket of a front end loader, backhoe or other excavating machine;
- (b) the blade of a bulldozer; or
- (c) the load of a fork-lift truck, crane or other hoisting machine,

is in a raised position, except when it is suitably and safely supported.

Idem

- (2) No person on surface at a mine or plant or underground in a mine shall be under any part of a motor vehicle or other equipment in which the lowering of that part may endanger the person unless that part is safely blocked in such a way as to prevent its lowering.

Idem

- (3) No person on surface at a mine or plant or underground in a mine shall operate a crane or other hoisting machine in such a way that any part of its load may pass over a person other than the person receiving the load.

Idem

- (4) A person on surface at a mine or plant or underground in a mine receiving a load shall so far as is practicable position himself so that the load does not pass over him.

- (5) No person on surface at a mine or plant or under-<sup>Idem</sup> ground in a mine shall operate a shovel, backhoe or similar excavating machine in such a way that it or any part of its load may pass over a person.
- (6) No person on surface at a mine or plant or under-<sup>Idem</sup> ground in a mine shall remain on or in a motor vehicle where he might be endangered during the loading or unloading of the vehicle.
- (7) Where a motor vehicle on surface at a mine or plant<sup>Idem</sup> or underground in a mine is being backed up in a location where a person may be endangered by the vehicle backing up or where the driver may be endangered, another person shall be stationed to direct the driver in backing up the vehicle. *New.*
- 234.—(1) (a) Except for standard gauge track on surface,<sup>Track condition</sup> every switch in a track on surface at a mine or plant or underground in a mine shall have the frog and guard rail entrances provided with a guard block if its construction is not such that the hazard of a person's foot being caught in it is reduced to a minimum.
- (b) Standard gauge track on surface at a mine or<sup>Standard gauge track</sup> plant shall be installed and maintained as called for in the Uniform Code of Operating Rules prescribed by the Transport Commissioners for Canada. *New.*
- (2) All tracks in use on surface at a mine or plant or<sup>Maintenance of tracks</sup> underground in a mine shall be maintained in good working condition. 1961-62, c. 81, s. 409, *amended.*

#### HAULAGE — UNDERGROUND

- 235.—(1) In motorized haulage underground in a mine,<sup>Tail-light on trains</sup> a suitable tail-light shall be used in conjunction with made-up trains. 1961-62, c. 81, s. 299 (2), *amended.*
- (2) Every self-propelled unit of trackless haulage equip-<sup>Lights to show width of vehicle</sup>ment used underground in a mine shall be equipped with suitable lights or reflectors that show in the direction of travel the width of the vehicle. 1961-62, c. 81, s. 297 (3).
- 236.—(1) In motorized haulage in any level, drift or<sup>Riding on vehicles prohibited</sup> tunnel in or about a mine, no unauthorized person shall ride on any vehicle. 1961-62, c. 81, s. 300 (1), *amended.*
- (2) Special trips for persons only shall be made on<sup>Idem</sup> approved vehicles. 1961-62, c. 81, s. 300 (2).

Emergency  
exit

- (3) Every vehicle in which any person may ride shall be equipped with an emergency exit. *New.*

Clearance  
and safety  
stations

- 237.—(1) On every level of a mine on which motorized track haulage is employed, a clearance of at least eighteen inches shall be maintained between the sides of the haulageway and the cars or locomotive, or there shall be a clearance of twenty-four inches on one side, or safety stations shall be cut every 100 feet. 1961-62, c. 81, s. 301 (1), *amended.*

Idem,  
marking

- (2) Such safety stations shall be plainly marked. 1961-62, c. 87, s. 301 (2).

Clearance  
for trackless  
haulage

- (3) On every level of a mine on which motorized trackless haulage equipment is employed, a minimum total clearance of five feet shall be maintained between the sides of the haulageway or workings and the motorized equipment.

Idem, plus  
pedestrian  
travel

- (4) On every level of a mine regularly used both for pedestrian traffic and motorized trackless haulage where there is a total minimum clearance of less than seven feet between the sides of the haulageway and the vehicle, safety stations shall be cut at intervals not exceeding 100 feet and they shall be plainly marked. 1961-62, c. 81, s. 301 (3, 4), *amended.*

Travelways  
clear of  
obstructions

- (5) All regular travelways in or about a mine shall be maintained clear of debris or obstructions that are likely to interfere with safe travel. 1961-62, c. 87, s. 301 (5).

#### HAULAGE — ON SURFACE

Guard-rails  
at track  
approaches

- 238.—(1) Guard-rails shall be placed at the approach to tracks on surface at a mine or plant where motorized haulage is used and where the view of the tracks is obstructed in one or both directions.

When im-  
practical

- (2) Where restricted clearances make the use of guard-rails impractical in the opinion of the district mining engineer, he may permit such guard-rails to be omitted but shall require that there be installed at the track approaches a suitable type of warning signal that will automatically give adequate, audible and visible warning at all times of the approach of the conveyance, or that a switchman shall walk ahead of the leading conveyance on the track when the conveyance is in dangerous proximity to the area requiring guarding and stand guard at such approaches. 1961-62, c. 81, s. 434, *amended.*

- 239.—(1) Where motorized haulage is used on surface at a mine or plant and the clearance between the sides of conveyances on parallel tracks or between the sides of conveyances and the side of a building or other structure is less than eighteen inches, the location shall be plainly marked showing the danger. 1961-62, c. 81, s. 440, *amended*.
- (2) At the approach to an overhead bridge, pipe line or a similar structure on a standard-gauge railway track at a mine or plant where the clearance is less than six feet between the top of a railway car and the underside of the structure, a "low bridge" warning device shall be installed. 1961-62, c. 81, s. 441, *amended*.
- (3) Where the operator may be exposed to overhead hazards at a mine or plant, a cab, screen or other adequate overhead protection shall be provided on,
- (a) a power-driven crane, shovel or similar machine;
  - (b) a fork-lift truck; and
  - (c) a front-end loader or other excavating machine. *New*.
240. Motor vehicles operating on surface at a mine shall be equipped, where practicable, with rear-vision mirrors. *New*.

#### PROTECTION FROM MACHINERY — MINES AND PLANTS

241. In this Part,

Inter-  
pretation

- (a) "lifting device" means a device that is used to raise or lower any material or object and includes its rails and other supports but does not include a device to which the provisions of this Part governing elevators or construction hoists apply;
- (b) "prime mover" means an initial source of motive power;
- (c) "transmission machinery" means any object by which the motion of a prime mover is transmitted to a machine that is capable of utilizing such motion, and includes a shaft, pulley, belt, chain, gear, clutch or other device. *New*.

- Clearances 242.—(1) Clearances adequate for the safety of persons shall be maintained in a mine or plant between the moving part of any machine or any material carried by the moving part and any other machine or structure.
- Lighting (2) Adequate lighting shall be provided for all persons who are required to work near or about machinery in a mine or plant.
- Fences, guards (3) Every prime mover, machine, transmission machinery or device that is dangerous to the safety of any person in a mine or plant shall be safely fenced or guarded,
- (a) unless its position, construction or attachment assures the same protection as if it were safely fenced or guarded; or
  - (b) unless it is provided with a safety device that automatically prevents a person operating it from coming into contact with any dangerous part.
- Idem (4) Every set screw, bolt or key on any revolving shaft, spindle, wheel or pinion connected to or forming part of or appurtenant to any machine, transmission machinery or device in a mine or plant shall be so recessed, encased, located or otherwise effectively guarded as to prevent injury to any person.
- Repairs (5) No person shall, or shall be permitted to clean, oil, adjust, repair or perform maintenance work on any machine, transmission machinery or device in a mine or plant while it or any part of it that is likely to endanger the safety of any person is in motion, except when such work is not practicable while the machine, transmission machinery or device is stopped.
- Starting (6) No person shall work or be allowed to work where the starting of a machine, transmission machinery or device in a mine or plant is likely to endanger the safety of any person, due to electrical hazard or exposure to moving parts,
- (a) unless prior to doing repair or maintenance on electrically driven machinery, the person has made arrangements to ensure that the disconnect switch or switches supplying power to the machinery are opened and tagged or locked in accordance with section 435; or
  - (b)

(b) unless, for other than electrically driven machinery, precautions have been taken to prevent such starting. *New.*

- 243.—(1) Every stationary power-driven grinding wheel in a mine or plant shall be provided with a suitable hooded guard. 1961-62, c. 81, s. 404 (1), *amended*. Grinding wheels to be guarded
- (2) Such guard shall be adjusted close to the wheel and extended forward, over the top of the wheel, to a point at least 30 degrees beyond a vertical line drawn through the centre of the wheel. 1961-62, c. 81, s. 404 (2). Idem
244. Every runway or staging in a mine or plant that is more than five feet from the floor and used for oiling or any similar purpose shall be provided with a hand-railing. 1961-62, c. 81, s. 406, *amended*. Runways to have hand-railing
245. Every counterweight in a mine or plant shall be situated or guarded so as to reduce to a minimum the hazard of injury to a person along its travel or should it become detached from its fastenings. Counter-weights
246. Persons engaged in dangerous proximity to moving machinery in a mine or plant shall not wear or be allowed to wear loose outer clothing. 1961-62, c. 81, s. 405, *amended*. Wearing loose clothing
- 247.—(1) The rated working load of every lifting device in a mine or plant shall be plainly marked on the device. Lifting devices
- (2) No lifting device in a mine or plant shall be loaded beyond its rated working load, except for the purpose of a test. Idem
- (3) No cable, chain, rope, sling, ring, hook, shackle, swivel or other part of a lifting device in a mine or plant shall be used unless it is of good construction, sound material and adequate strength to safely support the maximum load to which it is likely to be subjected, and is properly maintained. Idem
- (4) Every lifting device in a mine or plant shall be thoroughly examined at least annually by an authorized person. Idem
- (5) All rails in a mine or plant on which a lifting device moves shall be of proper size and properly laid and maintained and have an even running surface. Idem
- (6) No newly-installed lifting device in a mine or plant shall be used until it has been thoroughly tested and examined by an authorized person. *New.* Idem

## WELDING AND BURNING — MINES AND PLANTS

Radiation  
protection

248.—(1) All persons exposed to the hazard of radiation from welding or burning operations in a mine or plant shall use protective helmets, goggles, or other devices.

Ventilation  
or respi-  
ratory  
protection  
require-  
ments

(2) When welding or burning operations in a mine or plant emit harmful fumes, adequate ventilation shall be provided, or respirators shall be worn by persons exposed to the fumes.

Protection  
against  
electric  
welding arc

(3) Persons shall do no welding or burning in a mine or plant where other persons may be exposed to radiation from the operation, unless such other persons wear suitable eye protection or are protected by screens.

Hand and  
arm pro-  
tection

(4) Gauntlet gloves and arm protection shall be worn by persons when electric welding in a mine or plant.

Fire  
fighting  
equipment

(5) Suitable fire extinguishers shall be kept at hand during welding or burning operations in a mine or plant, or other fire fighting equipment shall be readily available.

Location of  
welding  
equipment

(6) Cylinders, piping and fittings of compressed and liquefied gas systems pertaining to welding and burning in a mine or plant shall be so located as to avoid physical damage to the cylinders, piping and fittings.

Flames

(7) Persons shall guard against sparks or flames from coming in contact with cylinders, regulators or hoses of compressed-gas systems pertaining to welding and burning in a mine or plant and all charged cylinders shall be protected from excessive heat.

Leaks

(8) Before using any gas-welding or burning equipment, persons shall ensure that all parts of the equipment are free from defects, leaks, oil or grease.

Cylinder  
valves

(9) Cylinder valves shall be closed when work is finished or cylinders are empty, and valve-protection covers shall be kept in position when the cylinder is not connected for use.

Containers

(10) No welding, brazing, soldering or burning operation shall be conducted on any container that has been used to contain any explosive or flammable substance, unless all practicable steps have been taken to,

(a) remove the substance and any fume, gas, vapour or dust arising from it; or

(b)

- (b) render the substance and any fume, gas, vapour or dust arising from it non-explosive or non-flammable,

and if such container has been subjected to any such alteration or repair, it shall be ensured that no explosive or flammable substance enters the container until the container has cooled sufficiently to prevent any risk of igniting the substance. *New.*

#### TRAVELLING CRANES — MINES AND PLANTS

- 249.—(1) In this section and in section 499, “crane” <sup>Interpretation</sup> means a crane that travels on fixed tracks and is operated from a cab mounted on the crane and which may be radio controlled. 1961-62, c. 81, s. 401 (1), *amended.*
- (2) No person under the age of eighteen years and no <sup>Qualifications of</sup> person who has not had adequate experience on a <sup>crane operators</sup> crane shall be authorized to operate a crane in a mine or plant. 1961-62, c. 81, s. 401 (7), *amended.*
- (3) (a) No person shall operate or be permitted to <sup>Idem</sup> operate a crane at a mine or plant unless he has been examined by a legally qualified medical practitioner acceptable to the employer and the medical practitioner has issued to him, on the form prescribed, a crane operator’s medical certificate to the effect that to the best of the practitioner’s knowledge the person is not subject to any infirmity, mental or physical (particularly with regard to sight, hearing and heart) to such a degree as to interfere with the efficient discharge of his duties.
- (b) Every crane operator’s medical certificate <sup>Expiry of certificate</sup> lapses and shall be deemed to have expired at the end of one year from its date.
- (c) Every crane operator’s medical certificate <sup>Filing of certificate</sup> shall be kept on file by the employer and made available to an engineer at his request.
- (4) No person, other than the operator, shall be <sup>Riding prohibited</sup> permitted to ride on a crane or any part thereof in a mine or plant or on any material carried by the crane, except for inspection, supervision, maintenance or repair, or the instruction of a new operator. 1961-62, c. 81, s. 401 (3-6), *amended.*

Warning  
devices

- (5) Every crane in a mine or plant shall be equipped with a whistle, bell, gong or horn that shall be sounded at such times as are necessary to give warning of the approach of the crane to places where persons are working or are liable to pass. 1961-62, c. 81, s. 401 (2), *amended*.

Idem

- (6) Every crane in a mine or plant shall be equipped with an emergency exit.

Where  
crane  
endangers  
person

- (7) Where any person is on or near the wheel track of a crane in any place in a mine or plant where the safety of such person is likely to be endangered by the crane, the operator of the crane shall be warned of the presence of such person and the crane or any part thereof shall not be allowed to approach within ten feet of the place.

Devices to  
prevent  
overwind

- (8) Every crane in a mine or plant shall be equipped with suitable devices to prevent overwinding.

Daily  
examination  
of cranes

- (9) The manager of a mine or plant shall depute one or more qualified persons to examine daily such parts of any crane or apparatus pertaining thereto upon the proper working of which the safety of persons depends.

Testing  
before use

- (10) All shafts, hooks and other structural parts affecting the safe operation of every crane shall be non-destructively tested before being put into service, and thereafter at such intervals as to ensure that they are in safe condition.

Idem

- (11) (a) Crane ropes shall be examined visually at least once in each day to detect the presence of kinks, broken wires or other visible damage.
- (b) Crane ropes shall be thoroughly examined at least once in each week to ensure that they are in safe operating condition.
- (c) If during such examinations there is discovered any weakness or defect whereby the safety of persons may be endangered, the crane shall not be used until the defect has been remedied or the rope removed from service.
- (d) Every crane rope, when newly installed, shall have a factor of safety of not less than 10 when

carrying

carrying its maximum load and using the breaking strength of the rope as certified by the rope manufacturer.

- (e) No crane rope shall be used when the number of broken wires in any section of the rope equalling the length of one lay of the rope exceeds four.
- (12) A record of all the examinations and tests and of <sup>Record</sup> other regular maintenance examinations and of all structural modifications of any crane in a mine or plant shall be kept signed by the person making the examinations, tests and modifications and such record shall be available to the district electrical-mechanical engineer at all times. *New.*

#### CONVEYOR BELTS—MINES AND PLANTS

- 250.—(1) No person shall ride on a conveyance or belt in <sup>Conveyors, belts</sup> a mine or plant unless approved by the chief engineer.
- (2) The following apply to installations of conveyor <sup>Idem</sup> belts in mines and plants:
- (a) Where conveyerways are used as regular travelways, such travelways shall be adequately illuminated and suitable means shall be provided to protect persons from material that may fall from the belt.
  - (b) All conveyerways shall be provided with a walkway, crossover or some approved method of access for maintenance purposes.
  - (c) Walkways shall not be less than 20 inches in width and shall be equipped with guardrails on the open sides where necessary.
  - (d) Any accessible section of an electrically driven belt conveyor shall be provided with pull-cords to stop the conveyor in an emergency and such pull-cords shall reach from the head pulley to the tail pulley and all controls operated by these cords shall be of the manual-reset type.
  - (e) Where required, an approved warning device shall be provided which will warn persons that the belt is about to start.

(f)

- (f) All head, tail, drive and tension pulleys shall be guarded at the pinch points and the length of such guards shall be extended to at least three feet from the pinch point. 1961-62, c. 81, s. 410, *amended*.

## PROTECTION IN WORKING PLACES OF MINES

Overhead  
operations

251. No person shall work in a location in a mine where another person is working overhead unless such measures for protection are taken as the nature of the work requires. 1961-62, c. 81, s. 258, *amended*.

Fencing  
of shafts  
and other  
openings

252. The top of every working shaft in a mine shall be securely fenced or protected by a gate or guard-rail, and every pit or opening in a mine dangerous by reason of its depth shall be securely fenced or otherwise protected. 1961-62, c. 81, s. 260, *amended*.

Gate at  
shaft  
entrances

- 253.—(1) At all shaft and winze openings on the surface and on every level in a mine, unless securely closed off, the hoisting compartments shall be protected by a substantial gate, which shall be kept closed except when the hoisting conveyance is being loaded or unloaded at such level.

Idem

- (2) The clearance beneath any such gate shall be kept to a minimum.

Hoisting  
compartment  
gates

- (3) Where haulage tracks lead up to a hoisting compartment on surface or underground, the gate on such compartment shall be reinforced in such a manner that it is sufficiently strong to withstand any impact imparted thereto by collision therewith of any locomotive, train or car operated on such tracks.

Idem

- (4) Hoisting compartment gates shall be sufficiently reinforced where there is a hazard of impact due to the approach of a motor vehicle. 1961-62, c. 81, s. 261, *amended*.

Shaft and  
winze  
timbering

- 254.—(1) Every shaft and winze in a mine shall be securely cased, lined or timbered, and during sinking operations the casing, lining or timbering shall be maintained within a safe distance of the bottom. 1961-62, c. 81, s. 262 (1), *amended*.

Idem

- (2) In no instance shall such distance exceed fifty feet. 1961-62, c. 81, s. 262 (2).

- (3) The guides, guide attachments and shaft casing, <sup>Strength of guides, etc.</sup> lining or timbering shall be of sufficient strength and shall be suitably designed, installed and maintained so that the safety catches referred to in section 324 may grip the guides properly at any point in the shaft. 1961-62, c. 81, s. 262 (3), *amended*.
255. There shall be provided a safe passageway and <sup>Protection at shaft stations</sup> standing room for a person outside the shaft at all workings opening into a shaft of a mine, and the manway shall in all cases be directly connected with such openings. 1961-62, c. 81, s. 263, *amended*.
- 256.—(1) Except during sinking operations, if material <sup>Lining compartments at levels</sup> is handled in a shaft or winze compartment of a mine, there shall be maintained around that compartment, except on the side on which material is to be loaded or unloaded, a substantial partition at the collar and at all levels. 1961-62, c. 81, s. 266 (1), *amended*.
- (2) Such partition shall extend above the collar and all <sup>Idem</sup> levels a distance not less than the height of the hoisting conveyance plus six feet and it shall extend below the collar and all levels at least six feet and it shall conform to the size of the conveyance allowing for necessary clearances. 1961-62, c. 81, s. 266 (2).
257. The footway or ladderway in a shaft or winze of a <sup>Partition between manway and hoisting compartments</sup> mine shall be separated from the compartment or division of the shaft or winze in which material, conveyance or counterweight is hoisted by a suitable and tightly-closed partition in the location required by section 256, and similarly in the remaining shaft sections, or by metal of suitable weight and mesh. 1961-62, c. 81, s. 290, *amended*.
258. Wherever a counterweight is used in a shaft or <sup>Counter-weight compartment</sup> winze of a mine, it shall be safely enclosed, unless it travels on guides. 1961-62, c. 81, s. 267, *amended*.
259. During shaft-sinking operations in a mine, no work <sup>Protection in sinking operations</sup> shall be done in any place in a shaft or winze while persons are working in another part of the shaft or winze below such place, unless the persons working in the lower position are protected from the danger of falling material by a securely-constructed covering extending over a sufficient portion of the shaft to afford complete protection. 1961-62, c. 81, s. 264, *amended*.
- 260.—(1) Open hooks shall not be used in conjunction <sup>Open hooks not to be used</sup> with the suspension of any shaft staging of a mine. 1961-62, c. 81, s. 264, *amended*.

Idem

- (2) Open hooks shall not be used in connection with the suspension of any equipment or material in a shaft, winze, raise, or over a person in any location underground in a mine. *New.*

Protection  
on shaft  
inspection

- 261.—(1) No person shall do or be permitted to do any work or conduct any examination in a compartment of a shaft or winze of a mine or in that part of the headframe used in conjunction therewith while hoisting operations, other than those necessary for doing such work or conducting such examination, are in progress in such compartment.

Idem

- (2) No person shall do or be permitted to do any work or conduct any examination in a shaft or winze of a mine or in that part of a headframe used in conjunction therewith unless he is adequately protected from accidental contact with any moving hoisting conveyance or counterweight or the danger of falling objects accidentally dislodged. 1961-62, c. 81, s. 268, *amended.*

Timbering  
mine  
workings

262. Where in a mine the enclosing rocks are not safe, every adit, tunnel, stope or other working in which work is being carried on or through which persons pass shall be securely cased, lined or timbered, or otherwise made secure. 1961-62, c. 81, s. 269, *amended.*

Steeply-  
inclined  
raises

- 263.—(1) Except where approved raising equipment is used, all raises in a mine that are to be inclined at over 50 degrees and that are to be driven more than sixty feet slope distance shall be divided into at least two compartments, one of which shall be maintained as a ladderway and shall be equipped with suitable ladders. 1961-62, c. 81, s. 271 (1), *amended.*

Idem

- (2) The timbering shall be maintained within a safe distance of the face and in no event shall the distance between the face and the top of the timbering exceed twenty-five feet. 1961-62, c. 81, s. 271 (2).

Precautions  
as to broken  
material

- 264.—(1) Whenever a chute in a mine is to be pulled and the safety of a person may be endangered by the settling of the broken material,

- (a) the area affected by the pulling shall be guard-railed or marked by a sign or signs so that no person can inadvertently enter the area; or

(b)

- (b) any person who is working in the affected area shall be notified.
- (2) (a) Proper precautions shall be taken during the pulling operation to ascertain whether or not the broken material is settling freely from the top. <sup>Idem</sup>
- (b) When there is any indication of a hang-up, the location shall be adequately protected by suitable signs or barricades.
- (3) There shall be provided two exits from each raised platform from which broken material is pulled. <sup>Exits from platform</sup>
265. Unless the entrance to a stope in a mine is capable of being used as such at all times, a second means of entrance shall be provided and maintained. 1961-62, c. 81, s. 273, *amended*. <sup>Access to stopes</sup>
266. The top of every mill hole, manway or other opening in a mine shall be kept covered or otherwise adequately protected. 1961-62, c. 81, s. 274, *amended*. <sup>Guarding mill holes, manways, etc.</sup>
267. Wherever persons are working in a mine below a level in a place whose top is open to the level in close proximity to a haulageway or travelway, some person shall be posted to effectively guard the opening unless it is securely covered over or otherwise closed off from the haulageway or travelway. 1961-62, c. 81, s. 275, *amended*. <sup>Guarding open workings</sup>
268. The tops of all raises or other openings to a level in a mine shall be kept securely covered, fenced off or protected by suitable barricades to prevent inadvertent access thereto. 1961-62, c. 81, s. 276, *amended*. <sup>Guarding tops of raises</sup>
269. There shall be provided and maintained in every mine an adequate supply of properly-dressed scaling bars and gads and other equipment necessary for scaling. 1961-62, c. 81, s. 278, *amended*. <sup>Scaling bars and gads</sup>
- 270.—(1) Where there is non-continuous shift operation in areas of a mine, the on-coming shift shall be warned of any abnormal condition affecting the safety of operations. <sup>Warning of abnormal conditions</sup>
- (2) Such warning shall consist of a written record over the signature of a responsible person on the off-going shift. <sup>Idem</sup>

shift and shall be read and countersigned by the corresponding responsible person on the on-coming shift before persons are permitted to resume operations in the areas indicated in such record. 1961-62, c. 81, s. 282, *amended*.

Check-in,  
check-out  
systems

271. At every mine where persons are employed underground, a suitable system shall be established and maintained to check in all persons who have gone underground and to check out all persons who have returned to surface, and it is the duty of such persons to check in and to check out in accordance with such system. 1961-62, c. 81, s. 283, *amended*.

Signs designating  
repair work

272. Where repair work is in progress in a manway in a mine or conditions arise that may endanger travel through the manway, it shall be closed as a travelway and adequate signs designating its unfitness for travel purposes shall be posted at all entrances to it. 1961-62, c. 81, s. 284, *amended*.

Diamond-drill holes

- 273.—(1) Diamond-drill holes shall be plotted on all working plans of levels of a mine.

Guarded while  
blasting near

- (2) When an active mine heading is advancing toward a diamond-drill hole in a mine, the collar or the nearest points of intersection of the hole or both shall be securely closed off or guarded at all times that blasting is being done within fifteen feet of any possible intersection of the hole.

Marked

- (3) The collar and any points of intersection of every diamond-drill hole in a mine shall be plainly marked at the time that drilling is discontinued or an intersection made.

Idem, with  
letter "H"

- (4) Such markings shall consist of a single capital letter "H" in yellow paint measuring twelve inches by twelve inches, which shall be placed within four feet of the collar or intersection. 1961-62, c. 81, s. 285, *amended*.

Tailing used for fill

274. Where tailings are used for filling worked-out areas underground in a mine, the moisture contained in the tailings and the liquid draining off therefrom shall not have a higher cyanide content than .005 per cent expressed as cyanide of potassium. 1961-62, c. 81, s. 286, *amended*.

## HANDLING WATER — MINES

275. Every working mine shall be provided with suitable and efficient machinery and appliances for keeping the mine free from water, the accumulation or flowing of which might endanger the lives of persons in the mine or in any adjoining mine. 1961-62, c. 81, s. 199, *amended*. Removal of water from mine workings
276. Where there is or may be an accumulation of water on surface or in a mine, any working approaching the same shall have bore holes kept in advance and such additional precautionary measures shall be taken as are deemed necessary to obviate the danger of a sudden breaking-through of the water. 1961-62, c. 81, s. 200, *amended*. Precautions against flow of water
277. A suitable stopping shall be placed in every working shaft in a mine to prevent that part of the hoisting conveyance carrying persons from being inadvertently lowered into water in the sump of the shaft. 1961-62, c. 81, s. 201, *amended*. Protection at sump
- 278.—(1) In this section, Interpretation
- (a) “bulkhead” means any structure built for the purpose of impounding water or confining air under pressure in a drift, crosscut or any other mine opening and constructed in such a manner as to completely close off such drift, crosscut or other mine opening;
- (b) “dam” means a structure built for the purpose of impounding water in a drift, crosscut or other mine opening and built in such a manner as to permit an unobstructed overflow of the water.
- (2) The location of every underground bulkhead and dam within the meaning of this section shall be clearly shown on the mine plans. 1961-62, c. 81, s. 202 (1, 2). Location of bulkheads and dams
- (3) No dam behind which more than twenty-five tons of water may be impounded shall be constructed underground in a mine until application in writing is made to the district mining engineer and written permission is granted by the chief engineer and then only when constructed in accordance with plans and specifications that have been approved by the chief engineer. Permission for dams
- (4) No bulkhead shall be constructed underground in a mine without the written permission of the chief engineer. Permission necessary for bulkhead

engineer and then only when constructed in accordance with plans and specifications that have been approved by him.

Completion  
of bulkhead

- (5) On the completion of the installation of a bulkhead in a mine, the manager shall immediately notify the chief engineer that it has been completed. 1961-62, c. 81, s. 202 (3-5), *amended*.

#### CARE AND USE OF EXPLOSIVES AND BLASTING AGENTS

Precautions  
to be taken

279. Every possible precaution shall be taken in the handling and transportation of explosives and blasting agents at a mine or plant. 1961-62, c. 81, s. 211, *amended*.

Marking of  
explosives

- 280.—(1) No explosive shall be used at a mine or plant unless there is plainly printed or marked on every original package containing the explosive, the name and place of business of the manufacturer, the strength of the explosive and the date of its manufacture. 1961-62, c. 81, s. 212.

Fume clas-  
sification of  
explosives

- (2) Only explosives in Fume Class I as established by the Explosives Division of the Department of Energy, Mines and Resources of Canada or explosives and blasting agents as permitted by the chief engineer shall be used underground in a mine.

Preparation  
of blasting  
agents

- (3) The preparation of a blasting agent at a mine or plant, except when prepared by a properly-authorized manufacturer of explosives or blasting agents, shall be done only with the permission in writing of the chief engineer. 1961-62, c. 81, s. 213, *amended*.

Defective  
explosives,  
etc., to be  
reported

- (4) Every case of supposedly defective fuse, detonator or blasting cap or explosive shall be reported to the district mining engineer with the name and address of the manufacturer and accompanied, if available, by the packing slip from the original container of the fuses, detonators or blasting caps, or explosives, along with all other pertinent information available. 1961-62, c. 81, s. 214, *amended*.

Storage of  
explosives  
and blasting  
agents

- 281.—(1) Except as otherwise provided, all explosives, blasting agents, detonators and blasting caps shall be stored on surface at a mine or plant in special suitable buildings, such as magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses.

Storage of  
detonators,  
etc.

- (2) Detonators, blasting caps or igniter cord shall not be stored in the same receptacle or storage building as other explosives or blasting agents.

- (3) No such storage building shall be erected or maintained at a mine or plant without the written permission of the district mining engineer, nor until the site of the building and the style of structure have been approved by him. Permission necessary before construction
- (4) Such written permission shall state the maximum quantity and kind of detonators, explosives or blasting agents that may be stored in the building. Permission to state quantity
- (5) The permission shall be posted up in the building. Permission to be posted
- (6) Every such storage building shall be under the direction of the manager or a person authorized by him. 1961-62, c. 81, s. 215 (1-6), *amended*. Storage under authorized person
- (7) Explosives or blasting agents shall not be stored within 300 feet of a mine or plant main substation. 1961-62, c. 81, s. 221, *amended*. Storage near power prohibited
- (8) The minimum distance measured at ground level between an overhead supply line and explosives or blasting agents storages shall not be less than  $1\frac{1}{2}$  times the length of one span between the supports of such line. *New*. Storage near overhead supply lines
- (9) Where possible, every such storage building shall be located in accordance with the British Table of Distances in respect of its distance from the mine or plant or any other building or any public road or railway. Location of storage buildings
- (10) Where conditions are such that it is impossible to locate any storage building in accordance with the British Table of Distances, the mine or plant manager and the district mining engineer shall jointly choose the most suitable location. Idem
- (11) Storages for blasting agents may contain three times the quantity of blasting agents as compared to explosives set by the British Table of Distances. Storages for blasting agents
- (12) Where explosives and blasting agents are stored together, the lesser limit of storage applies. Where explosives and blasting agents stored together
- (13) Every such storage building shall be constructed of such materials as to ensure as far as possible against accident from any cause. Materials used in storage buildings
- (14) The requirements in reference to the care and use of explosives and blasting agents shall be kept posted up inside every such storage building. Requirements to be posted
- (15) Every such storage building shall be kept securely locked at all times that the attendant is not present and signs Buildings locked, and signs

and

and it shall be clearly indicated by one or more easily visible signs that explosives or blasting agents are stored therein.

Posting  
of signs

- (16) Such sign or signs shall be posted beside the road approaches to the building at least eight feet above the ground and twenty-five feet distant from the entrance. 1961-62, c. 81, s. 215 (13), *amended*.

Storages  
to be  
clean, etc.

- 282.—(1) All explosive, blasting agent, detonator or fuse storages at or in a mine or plant shall be kept clean, dry and free from grit at all times. 1961-62, c. 81, s. 216 (1), *amended*.

Floors  
and shelves

- (2) Floors and shelves of magazines and thaw houses shall be treated with a suitable neutralizing agent, whenever necessary, to remove any traces of explosive substances. 1961-62, c. 81, s. 217.

What  
explosives  
and blasting  
agents  
to be used  
first

- 283.—(1) When supplies of explosives or blasting agents are removed from a magazine, those that have been longest in the magazine, if they are not defective, shall be used first.

Defective  
explosives  
and blasting  
agents

- (2) Where explosives or blasting agents become defective, they shall be suitably and safely disposed of.

Disposal of  
defective  
explosives  
and blasting  
agents

- (3) An engineer may, if he deems it necessary to protect life or property, arrange for the disposal of defective or abandoned explosives or blasting agents, and the amount of costs so incurred shall be a debt due to the Crown from the owner or agent, recoverable in any court of competent jurisdiction. 1961-62, c. 81, s. 218, *amended*.

Opening  
cases

284. Only implements of wood or fibre shall be used in opening cases that contain explosives. 1961-62, c. 81, s. 219.

Storage of  
explosives  
and blasting  
agents  
under-  
ground

- 285.—(1) Explosives or blasting agents, including caps, fuses and igniter cord, shall not be stored underground in a mine in excess of the necessary underground supply for forty-eight hours. 1961-62, c. 81, s. 220 (1).

Storage  
capacity

- (2) In no case shall an amount exceeding 300 pounds of explosives or 900 pounds of blasting agents be stored in any one place underground in a mine without the written permission of the district mining engineer. 1961-62, c. 81, s. 220.

Written  
permission  
for  
increased  
capacity

- (3) With the written permission of the district mining engineer and subject to such conditions as he prescribes, other underground explosive storages in a mine may be established, but in no case shall more

than 1,000 pounds of explosives or 3,000 pounds of blasting agents be stored in any one storage place.

- (4) Where explosives and blasting agents are stored together underground in a mine, the lesser limit of storage applies. <sup>Idem</sup>
  - (5) Explosives and blasting agents stored underground in a mine shall be kept in suitable containers or storage places in suitable locations. <sup>Suitable storage</sup>
  - (6) Explosives or blasting agents shall not be stored underground in a mine in places where there is a possibility of a train or car colliding with the containers of the explosives or blasting agents. <sup>Protection from trains, etc.</sup>
  - (7) Where explosives or blasting agents in excess of the quantity that may be stored in approved underground storages in a mine are required for such operations as longhole blasts, etc., only such quantities as can be loaded in a twenty-four hour period shall be kept in a storage place underground at any time for such blast. <sup>Where excess quantities required</sup>
  - (8) Any explosives or blasting agents not loaded at the end of a shift shall be stored in accordance with the requirements of this section or be adequately guarded. 1961-62, c. 81, s. 220, *amended*. <sup>Surplus at shift end</sup>
- 286.—(1) Explosives or blasting agents shall not be stored underground in a mine within, <sup>Location of underground storages for explosives, etc.</sup>
- (a) 200 feet of a shaft station; or
  - (b) the distance prescribed by subsection 4 of section 560.
- (2) Detonators, blasting caps, capped fuses or igniter cord, while stored underground in a mine, shall be kept in separate, suitable, closed containers or storage places. <sup>Idem, detonators, etc.</sup>
  - (3) Such containers and storage places shall not be located within twenty-five feet of any other explosives or blasting agents. 1961-62, c. 81, s. 222, *amended*. <sup>Idem</sup>
- 287.—(1) No flame-type light shall be taken within twenty-five feet of any building or place on the surface of a mine or plant in which explosives or blasting agents are stored. <sup>Open-flame lamps on surface</sup>
- (2) No flame-type light shall be taken within ten feet of any place underground in a mine where explosives or blasting agents are stored unless a suitable, safe arrangement for the placing of such light is provided. <sup>Idem, underground</sup>

## Smoking

- (3) No person shall smoke in any place or building in a mine or plant where explosives or blasting agents are stored or while handling explosives or blasting agents. 1961-62, c. 81, s. 223, *amended*.

Inspection  
of storage  
places

- 288.—(1) A properly authorized person or persons shall make a thorough weekly inspection of all explosives or blasting agents, explosives or blasting agents magazines, thaw houses, detonator or blasting cap storage buildings, cap and fuse houses, and all storage boxes or places in or about the mine or plant used for the purpose of storing explosives, blasting agents, detonators or blasting caps and shall make a report in writing to the manager stating that such inspection has been made and certifying as to the conditions found.

Unsuitable  
conditions  
to be  
rectified

- (2) The manager shall take immediate steps to correct any unsuitable conditions found and to properly dispose of any deteriorated explosives or blasting agents.

Careless  
acts

- (3) The manager shall make a prompt investigation when an act of careless placing or handling of explosives or blasting agents is discovered by or reported to him.

Report of  
carelessness  
to engineer

- (4) Any employee who commits a careless act with an explosive or blasting agent or where explosives or blasting agents are stored, or who, having discovered such an act to have been committed, omits or neglects to report immediately such act to an officer in charge of the mine or plant, is guilty of an offence against this Act, and the officer in charge of the mine or plant shall immediately report such offence to the district mining engineer or to the Crown attorney of the county or district in which the mine or plant is situate. 1961-62, c. 81, s. 224, *amended*.

Disposal of  
explosives  
etc.

- 289.—(1) When a mine or plant is closed down, all explosives, blasting agents, fuses, detonators and blasting caps shall be disposed of and no explosive or blasting agent shall be stored at any such closed-down mine or plant without the written permission of the chief engineer. 1961-62, c. 81, s. 225, *amended*.

Removal  
from mine,  
etc., of  
explosives,  
etc.

- (2) No person shall take away from a mine or plant any explosive, blasting agent, fuse, detonator or blasting cap without the written permission of the manager or of such person as is authorized by the manager to give such permission. 1961-62, c. 81, s. 226, *amended*.

- 290.—(1) No building for thawing explosives shall be maintained in connection with a mine or plant without the written permission of the district mining engineer. <sup>Thaw houses</sup>
- (2) The building shall be above ground, and the site of the building and the style of the structure and equipment shall be subject to the approval of an engineer. <sup>Approval of building</sup>
- (3) The quantity of explosives kept in a thaw house at any time shall not exceed the requirements of the mine or plant for a period of twenty-four hours plus the amount that may be necessary to maintain that supply, but the district mining engineer may give permission in writing to store a quantity not in excess of the permitted capacity of the building if, in his opinion, the heating equipment is such that the temperature can be controlled within approved safe limits. <sup>Quantity stored</sup>
- (4) A reliable recording thermometer shall be kept in the room in which explosives are thawed and the record thereof kept, but, where the amount of explosives in such thawing room does not exceed 200 pounds at any one time, the district mining engineer may give permission in writing to use a maximum and minimum registering thermometer on condition that a daily record of high and low temperatures be made and kept on file for at least one year. <sup>Thermometer in thaw house</sup>
- (5) All such records shall be made available to the district mining engineer. 1961-62, c. 81, s. 227. <sup>Idem</sup>
291. No explosives shall be thawed near an open fire or steam boiler or by direct contact with steam or hot water in a mine or plant. 1961-62, c. 81, s. 228, *amended*. <sup>Prohibition</sup>
- 292.—(1) This section applies only on mine or plant premises and only on surface. *New*. <sup>Application of section</sup>
- (2) Every motor vehicle used for transporting explosives or blasting agents shall be maintained in sound mechanical condition. 1961-62, c. 81, s. 229 (1, 2), *amended*. <sup>Transportation of explosives, etc., on surface by motor vehicles</sup>
- (3) Every such motor vehicle shall be conspicuously marked by suitable signs or red flags easily visible from front and rear. 1961-62, c. 81, s. 229 (3). <sup>Markings</sup>
- (4) The metal parts of every vehicle that may come in contact with containers of explosives or blasting agents <sup>Metal parts to be covered</sup>

agents shall be suitably covered with wood, tarpaulin or other suitable material.

No other  
goods

- (5) No other goods or materials shall be transported on any vehicle on which explosives or blasting agents are being transported.

Fire ex-  
tinguisher

- (6) Every motor vehicle transporting more than 150 pounds of explosives or blasting agents shall be equipped with a fire extinguisher in working order, of adequate size and capable of dealing with a gasoline or oil fire. 1961-62, c. 81, s. 229 (4-6), *amended*.

Load  
limits

- (7) No motor vehicle shall be loaded with more than 80 per cent of its carrying capacity when transporting explosives or more than 100 per cent of its carrying capacity when transporting blasting agents. 1961-62, c. 81, s. 229 (7).

Load  
to be  
secured

- (8) Explosives or blasting agents transported on a vehicle shall be secured or fastened so as to prevent any part of the load from becoming dislodged.

Detonators

- (9) Detonators shall not be transported in the same vehicle as other explosives or blasting agents except in a suitable container in a separated compartment, and in such case the number shall not exceed 5,000 detonators.

Not to be  
unattended

- (10) A vehicle transporting explosives or blasting agents shall not be left unattended.

No surplus  
crew

- (11) Only those persons necessary for the handling of explosives or blasting agents shall travel on a vehicle that is transporting explosives or blasting agents.

No smoking

- (12) There shall be no smoking by persons on a vehicle that is transporting explosives or blasting agents. 1961-62, c. 81, s. 229 (8-12), *amended*.

Transporta-  
tion of  
explosives,  
etc., in shaft  
conveyances

- 293.—(1) When the day's supply of explosives or blasting agents is being transported in a shaft conveyance in a mine, the person in charge of the operation shall give or cause to be given notice of the operation to the deckman and hoistman.

Authoriza-  
tion to  
handle

- (2) No person shall,  
 (a) place in;  
 (b) have while in; or

(c) take out of,

a shaft conveyance of a mine any explosives or blasting agents except under the immediate supervision of a person authorized for the purpose by the responsible supervisor.

- (3) No other material shall be transported with explosives or blasting agents in a shaft conveyance in a mine. 1961-62, c. 81, s. 230, *amended*. No other material in conveyance

294.—(1) The transfer of explosives or blasting agents from the magazine or other surface storage place at a mine or plant shall be so arranged that no undue delay will occur between the time the explosives or blasting agents leave the surface storage place and the time they are properly stored in designated storage places in the mine or plant or distributed to points of use in the mine or plant. Transfer of explosives or blasting agents from storage places

- (2) Explosives or blasting agents shall not be left at a level station or near the shaft collar or other entrance to a mine but shall be transferred from a designated storage place to other designated storage places or points of use without undue delay. 1961-62, c. 81, s. 231, *amended*. Transfer without undue delay

295.—(1) Primers shall be made up as near to their point of use as is practicable in the interests of safety and then only in sufficient numbers for the immediate work in hand. Transportation of detonators

- (2) Detonators, blasting caps, capped fuses, made-up primers, igniter cord or other explosives or blasting agents shall not be transported in a conveyance either on surface or underground at a mine or plant unless placed in separate, suitable, closed containers. Suitable containers

- (3) A person may carry capped fuses with other explosives or blasting agents from the nearest storage place at a mine or plant to the point of use without placing them in a container if they are kept separate from other explosives and blasting agents. Kept separate from other explosives or blasting agents

- (4) Made-up primers shall not be transported or carried at a mine or plant unless placed in separate, suitable, closed containers. 1961-62, c. 81, s. 232, *amended*. Made-up primers

296.—(1) Where explosives or blasting agents are transported in mine workings by means of mechanical haulage, including trackless equipment, the speed Transportation of explosives, etc., underground, speed and right of way

of the vehicle shall not exceed 4 miles an hour and definite arrangements for the right of way of the vehicle shall be made before the vehicle is moved.

By mechanical track haulage

- (2) Where mechanical track haulage is used in a mine,
- (a) the locomotive shall be maintained on the forward end of the train transporting explosives or blasting agents unless some person walks in advance of the train to effectively guard it;
  - (b) any car carrying explosives or blasting agents shall be separated from the locomotive by an empty car or spacer of equivalent length; and
  - (c) in no case shall explosives or blasting agents be carried on the locomotive.

By trolley locomotive haulage

- (3) Where a trolley locomotive is used in a mine, the car or cars transporting explosives or blasting agents shall be protected from trolley-wire contact and other existing hazards.

By trackless equipment

- (4) Where trackless equipment is used for the transportation of explosives underground in a mine, the requirements of section 292, except subsection 3, apply.

Idem

- (5) Where trackless equipment is used for the transportation of blasting agents in a mine, the requirements of section 292, except subsections 3 and 4, apply. 1961-62, c. 81, s. 233, *amended*.

Blasting on contiguous claims

297. Where parties working contiguous or adjacent claims or mines disagree as to the time of setting off blasts, either party may appeal to the district mining engineer, who shall decide upon the time at which blasting operations thereon may be performed, and his decision is final and conclusive and shall be observed by them in future blasting operations. 1961-62, c. 81, s. 234, *amended*.

Explosives not to be removed from original container

298. No explosive shall be removed from its original paper container or cartridge in a mine or plant. 1961-62, c. 81, s. 235.

Blasting of roast heaps

299. No explosive shall be used to blast or break up ore, salamander or other material in a mine or plant where by reason of its heated condition there is any danger or risk of premature explosion of the charge. 1961-62, c. 81, s. 236.

300. All drill holes in a mine or plant shall be of sufficient <sup>Size of drill holes</sup> size to admit of the free insertion to the bottom of the hole of a cartridge of explosive. 1961-62, c. 81, s. 237.
301. In charging holes for blasting in a mine or plant, no <sup>No iron or steel tools</sup> iron or steel tool or rod shall be used, and no iron or steel tool shall be used in any hole containing explosives. 1961-62, c. 81, s. 238.
- 302.—(1) Before drilling is commenced in a working <sup>Procedure before drilling</sup> place in a mine the exposed face shall be washed with water and carefully examined for misfires and cut-off holes, giving special attention to old bottoms.
- (2) No drilling shall be done in a mine within six inches <sup>Bootleg holes</sup> of any hole that has been charged and blasted or any remnant of such hole.
- (3) No drilling shall be done in a mine within five feet <sup>Holes containing explosives, etc.</sup> of any hole containing explosives or blasting agents. 1961-62, c. 81, s. 239 (1-3).
- (4) Drilling or undercutting and charging operations at <sup>Precautions when loading</sup> a mine shall not be carried on simultaneously on the same face above or below each other or within twenty-five feet horizontal distance. 1961-62, c. 81, s. 239 (4), *amended*.
- 303.—(1) Every blaster shall, before blasting, cause all <sup>Guarding entrances where blasting is done</sup> entrances or approaches to the place where the blasting is to be done or where the safety of persons may be endangered by the blasting to be effectively guarded so as to prevent inadvertent access to such place while the charges are being blasted, including diamond drill holes as required by subsection 2 of section 273.
- (2) Subject to permission having been obtained, when <sup>Guarding roads</sup> required, from the appropriate authority, where it is necessary to stop traffic on a public road during a blasting operation,
- (a) an adequate number of flagmen equipped with suitable red flags shall be posted; and
- (b) signs, such as "DANGER", "BLASTING" or "STOP FOR FLAGMAN", shall be posted,
- along the road at suitable locations to warn traffic approaching the flagman guarding the area. 1961-62, c. 81, s. 241 (1, 2), *amended*.

Signs not  
adequate

- (3) Posting of signs shall not be deemed to be adequate protection for blasting operations. 1961-62, c. 81, s. 241 (3).

Due  
warning  
required

- (4) Every blaster shall, before blasting, give or cause to be given due warning in every direction by shouting "Fire" and shall satisfy himself that all persons have left the working place or the vicinity except those required to assist him in blasting and guarding. 1961-62, c. 81, s. 240 (1), *amended*.

Large  
blasting  
operations  
under-  
ground

- (5) Where the extent of the operation or the safeguarding of persons underground in a mine renders the warning under subsection 4 ineffective, such additional precautions to those so required shall be taken to ensure that all areas of the mine, which may be affected by the blasting operation, are vacated.

In pits and  
quarries

- (6) In open pits or quarries where,
- (a) the extent of the operation or the exposure of persons renders the warning required under subsection 4 ineffective, due warning shall be given of a primary blast by siren or its equivalent in an approved manner in addition to guarding as required by subsection 1;
  - (b) personnel are required near the blast area, the manager shall provide blasting shelters or some other form of protection for employees satisfactory to the engineer. *New*.

Breaking  
through  
to mine  
workings

304. Where possible, no connection between mine workings shall be made until a thorough examination of the working towards which the active heading is advancing has been made and has shown that the work can be proceeded with in a safe manner, and such point of connection shall be guarded as an entry when blasting within twice the length of the longest drill steel used or a minimum of fifteen feet of breaking through. 1961-62, c. 81, s. 242.

Minimum  
length  
of fuse

- 305.—(1) Except where fired electrically, no fuse shorter than three feet shall be used in any blasting operation in a mine or plant nor shall any fuse be lighted at a point closer than three feet from the capped end. 1961-62, c. 81, s. 243.

Detonator  
required

- (2) No drill hole in a mine shall be charged with explosives or blasting agents unless a properly prepared detonating agent is placed in the charge and it shall be fired in its proper sequence in one blasting operation. 1961-62, c. 81, s. 245.

- (3) All drill holes in a mine that are charged with <sup>Firing</sup> explosives or blasting agents in one loading operation shall be fired in one blasting operation.
- (4) Any drill hole in a mine that has been charged with <sup>Idem</sup> explosives or blasting agents or any explosive charge that has been set shall not be left unfired but shall be fired at the time for blasting required by the approved practice of the mine. 1961-62, c. 81, s. 246.
- (5) Where a safety fuse is used in a blasting operation <sup>Safety fuses</sup> in a mine,
- (a) suitably capped fuses shall be supplied to the blasters in standard, uniform and safe lengths for the operation at hand; and
  - (b) the uncapped ends of all fuses for use in a mine shall be suitably identified. 1961-62, c. 81, s. 247, *amended*.
- (6) Where more than one charge is to be fired, each fuse <sup>Lighting fuses</sup> connected to a charge of explosives or blasting agents shall be lighted with a suitably-timed spitting device.
- (7) Where more than one charge is to be fired, no blaster <sup>Number of men</sup> shall be permitted to conduct any blasting operation unless he is accompanied by one or more other persons.
- (8) Every person engaged in a blasting operation shall <sup>Idem, lights</sup> carry a light unless the blasting operation is conducted on surface in daylight or under artificial light. 1961-62, c. 81, s. 248, *amended*.
- 306.—(1) Where blasting is done in a raise or stope, proper <sup>Protection of entrance to working place</sup> precautions shall be taken to prevent the closing of the means of entrance to the working place or interference with the effective circulation of air following the blast by the broken material produced by the blast.
- (2) In the case of a single-compartment raise or box-hole <sup>Idem</sup> where material from the blast may block the means of entrance, proper precautions shall be taken to ensure the adequate ventilation of the working place before a person enters it. 1961-62, c. 81, s. 250, *amended*.
- 307.—(1) Where safety fuses were used in connection <sup>Interval before return to scene of blast</sup> with a blast and two or more shots were fired, no blaster or other person shall leave or be permitted to leave his place of refuge from the blast and return

to the scene of the blast within the number of minutes that are equal to twice the number of feet in the longest fuse used in the blasting operation.

Idem

- (2) Such period of time shall be calculated from the time when the last shot was heard except where the requirements of subsection 5 apply.

Firing done electrically

- (3) Where the firing was done by means of electric delay-action detonators and any shot has been heard, no blaster or other person shall leave or be permitted to leave his place of refuge and return to the scene of any blast within ten minutes of the time at which the blasting circuit is closed.

Idem

- (4) Except when no shot was heard and a faulty circuit is indicated, the circuit may be repaired immediately after the blaster has assured himself that the blasting switch is locked in the open position and the lead wires are short-circuited.

Misfire or missed hole

- (5) Where a safety fuse was used and a supposed misfire or missed hole, including a reblasted misfire, occurs in a blasting operation, no blaster or other person shall leave or be permitted to leave his place of refuge and return to the scene of the blast within thirty minutes of the time of lighting of the fuse or fuses. 1961-62, c. 81, s. 244, *amended*.

Missed holes, etc.

- (6) When a blaster fires any charges, he shall, where possible, count the number of shots.

Idem

- (7) If a misfire is suspected, he shall report it to his supervisor.

Idem

- (8) If a missed hole has not been fired at the end of a shift, that fact, together with the location of the hole, shall be reported by the supervisor to the supervisor in charge of the next relay of persons going into that working place before work is commenced by them.

Idem

- (9) Any charge of explosives that has missed fire shall not be withdrawn but shall be blasted at a proper time and without undue delay, except that where a suitable device is used by an authorized person, the charge of explosives may be washed from the hole. 1961-62, c. 81, s. 251 (1-4), *amended*.

Idem

- (10) Any blasting agent that has missed fire may be washed out of the hole.

- (11) No development heading shall be abandoned or <sup>Idem</sup> work therein discontinued until the material broken at the firing of the last round has been cleared from the face and the whole face of the heading examined for explosives or blasting agents in missed or cut-off holes. 1961-62, c. 81, s. 251 (5, 6).
- 308.—(1) After the first ten feet of advance has been made <sup>Where electric blasting required</sup> in a shaft or winze and until such time as the permanent timbers and ladders have reached the level upon which blasting is being done, all blasting in the shaft, winze, station or other workings being driven therefrom shall be done by means of an electric current.
- (2) In any raise, where free escape is not ensured at all <sup>Blasting in raises</sup> times, all blasting shall be done by means of an electric current or by an approved means initiated from a safe location outside the raise. 1961-62, c. 81, s. 252, *amended*.
309. Where blasting is done by means of an electric <sup>Electric current to be disconnected after blasting</sup> current, a person shall not enter or allow other persons to enter the place where the charges have been fired until he has disconnected and short-circuited the firing cables or wires from the blasting machine or portable direct-current battery or has assured himself that the switch of the approved blasting switch is open, the firing cables or wires short-circuited and the blasting box locked. 1961-62, c. 81, s. 253, *amended*.
- 310.—(1) Where the source of current is a portable <sup>Blasting by direct current or blasting machine</sup> direct-current battery or a blasting machine, the firing cables or wires shall not be connected to the source of current until immediately before they are required for firing the charges and shall be disconnected immediately after the connection has been made and the machine operated for firing the charges. 1961-62, c. 81, s. 255.
- (2) The firing cables leading to the face shall be short-circuited while the leads from the blasting caps are <sup>Firing cables, how to be used</sup> being connected to each other and to the firing cables.
- (3) The short-circuit shall not be removed until the <sup>Idem</sup> blaster and other persons have retreated from the face and it shall be so located that a premature explosion would be harmless to the persons opening the short-circuit.

- Idem (4) The short-circuit shall be replaced immediately after the cables have been disconnected from the blasting machine or the circuit from the blasting switch has been opened. 1961-62, c. 81, s. 256, *amended*.
- Idem (5) The firing cables or wires used for firing charges at one working place shall not be used for firing charges in another working place until all proper precautions have been taken to ensure that such firing cables or wires have no connection with the leads from the first working place.
- Idem (6) When firing cables or wires are used in the vicinity of power and lighting cables, the blaster shall take proper precautions to prevent the firing cables or wires from coming in contact with the lighting or power cables. 1961-62, c. 81, s. 257.
- Where electricity from supply line used (7) Where electricity, other than from a portable, hand-operated device, is used for firing charges, a fixed device of a design certified by the district electrical-mechanical engineer as meeting the requirements of section 515 shall be used.
- Idem (8) One such device shall be maintained for each individual working place in which firing is done by means of electricity using circuits complying with the requirements of section 517. 1961-62, c. 81, s. 254, *amended*.

#### EXAMINATION OF MINE WORKINGS AND SHAFT INSPECTION

- Examina-  
tion of  
mine  
workings 311.—(1) The manager of a mine or some authorized person or persons shall examine on each working shift all parts where drilling and blasting are being carried on, shall examine at least once a week the other parts in which operations are being carried on, such as shafts, winzes, levels, stopes, drifts, cross-cuts and raises, in order to ascertain that they are in a safe condition.
- Idem,  
scaling (2) The manager of a mine or some authorized person or persons shall inspect and scale or cause to be inspected and scaled by a qualified person the roofs, walls and faces of all stopes or other working places as often as the nature of the ground and of the work performed necessitates. 1961-62, c. 81, s. 287, *amended*.
- Shaft  
inspection 312.—(1) The manager of a mine where a hoist is in use shall depute some competent person or persons whose duty it is to make an inspection of the shaft at least

once each week, and in addition a thorough examination shall be made at least once each month of the guides, timber, walls and hoisting compartments generally of the shaft, and a record of such inspection and examination shall be made in the Shaft Inspection Record Book by the person making the examination.

- (2) Every such manager shall keep or cause to be kept at the mine a book for each shaft termed the Shaft Inspection Record Book in which shall be recorded a report of every such examination, as is referred to in this section, signed by the persons making the examination. 1961-62, c. 81, s. 288 (1, 2), *amended*.  
Shaft Inspection Record Book
- (3) Such entries of examinations shall be read and initialled every week by the person in charge of the maintenance of the shaft.  
Entries to be initialled
- (4) A notation shall be made of any dangerous condition reported and the action taken regarding it over the signature of the person in charge of the maintenance of the shaft.  
Dangerous conditions noted
- (5) The Shaft Inspection Record Book shall be made available to an engineer at all times. 1961-62, c. 81, s. 288 (3-5).  
Available to engineer

#### LADDERWAYS AND LADDERS

- 313.—(1) A suitable footway or ladderway shall be provided in every shaft and winze.  
Ladderways in shafts and winzes
- (2) In shafts and winzes, no ladder, except an auxiliary ladder used in sinking operations, shall be installed in a vertical position. 1961-62, c. 81, s. 289 (1, 2).  
Not in vertical position
- (3) During sinking operations, if a ladder is not maintained to the bottom, an auxiliary ladder that will reach from the permanent ladders to the bottom shall be provided in such convenient position that it may be promptly lowered to any point at which a person is working. 1961-62, c. 81, s. 289 (3), *amended*.  
Sinking operations
- (4) Wherever, about shafts and winzes and headframes used in conjunction therewith, it is necessary for persons to examine or inspect appliances installed therein, suitable ladderways or stairways and platforms shall be maintained to permit such work to be carried out in a safe manner. 1961-62, c. 81, s. 289 (4).  
Headframes

Partition  
between  
manway  
and hoisting  
compart-  
ments

314. The footway or ladderway in a shaft or winze shall be separated from the compartment or division of the shaft or winze in which material, conveyance or counterweight is hoisted by a suitable and tightly-closed partition in the location required by section 256, and similarly in the remaining shaft sections, or by metal of suitable weight and mesh. 1961-62, c. 81, s. 290.

Ladderway  
in shaft,  
over  
70 degrees

- 315.—(1) In a shaft or winze inclined at over 70 degrees from the horizontal or in a headframe used in conjunction with the shaft or winze, substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway and shall be covered, except for an opening large enough to permit the passage of a person's body, and the ladders shall be so placed as to cover this opening in the platform.

Idem,  
under  
70 degrees

- (2) In a shaft or winze inclined at less than 70 degrees from the horizontal or in a headframe used in conjunction with the shaft or winze, the ladders may be continuous, but substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway and shall be covered, except for an opening large enough to permit the passage of a person's body. 1961-62, c. 81, s. 291, *amended*.

When  
stairway  
permissible

- 316.—(1) Stairways may be used in a shaft or winze inclined at less than 50 degrees from the horizontal.

Hand-rail

- (2) All stairways in shafts and winzes shall be equipped with a suitably placed hand-rail. 1961-62, c. 81, s. 292.

Ladder-  
ways,  
other mine  
workings

- 317.—(1) All ladderways in raises, stopes and other manways shall be installed and maintained in a safe condition to reduce to a minimum the hazard of a person falling therefrom.

Landing  
platforms

- (2) In manways inclined at 70 degrees or more, landing platforms shall be installed at intervals not exceeding twenty-one feet in the ladderway and the ladders shall be off-set at the platforms.

Idem

- (3) In manways inclined at less than 70 degrees and more than 50 degrees, landing platforms shall be installed at intervals not exceeding twenty-one feet in the ladderway and the ladders may be continuous.

Idem

- (4) In manways inclined at 50 degrees or less, the ladders may be continuous and no platforms are required except at points of off-set. 1961-62, c. 81, s. 293, *amended*.

318. Wire rope or strands of wire rope shall not be used <sup>Wire rope ladders</sup> or be allowed to be used for climbing purposes if they are frayed or have projecting broken wires. 1961-62, c. 81, s. 294.
- 319.—(1) Every ladder shall project at least three feet <sup>Hand-rails for ladders</sup> above its platform, except where strong hand-rails are provided. 1961-62, c. 81, s. 295.
- (2) Every ladder shall be of strong construction, shall <sup>Ladders</sup> be securely placed and shall be maintained in a safe condition.
- (3) The distance between the centres of rungs of ladders <sup>Distance between rungs</sup> shall be not more than twelve inches and not less than ten inches, and the spacing of rungs shall not vary more than one-half inch in any ladderway.
- (4) In order to give a proper foothold, the rungs of ladders shall in no case be closer than four inches <sup>Distance from wall</sup> from the wall of a shaft, winze or raise or any timber underneath the ladder. 1961-62, c. 81, s. 296, *amended*.
320. No person shall be or be permitted to be in a ladder-<sup>Material handling in ladderways</sup> way while,
- (a) a bucket is being loaded or unloaded at the top; or
- (b) a bucket or material is being hoisted or lowered. *New*.

## HOISTS AND HOISTING

### SINKING EQUIPMENT

- 321.—(1) After a depth of 300 feet below the sheave has <sup>When crosshead required</sup> been attained in the sinking of a vertical shaft or winze at a mine, a suitable bucket and crosshead, as referred to in subsection 2 and in section 322, shall be used. 1961-62, c. 81, s. 336 (1), *amended*.
- (2) When a closed type of crosshead is not used, the bucket shall be barrel-shaped and shall be suspended <sup>Suspension, barrel-shaped bucket</sup> by the upper rim. 1961-62, c. 81, s. 336 (2).
- 322.—(1) All sinking crossheads at a mine shall be <sup>Safety appliance on crosshead</sup> provided with a safety appliance of a design approved by the district electrical-mechanical engineer for attaching the bucket to the crosshead, so constructed that the crosshead cannot stick in the hoisting compartment without also stopping the bucket.
- (2) All crossheads shall be of a design approved by the <sup>Approval</sup> district electrical-mechanical engineer. 1961-62, c. 81, s. 337, *amended*.

## SHAFT CONVEYANCES, CONSTRUCTION AND OPERATION

Protection  
of men  
in shaft  
conveyances

323. No cage or skip shall be used in a mine for the raising or lowering of persons unless it is constructed so as to prevent any part of the body of a person riding in it from accidentally coming into contact with the timbering or sides of the shaft or winze. 1961-62, c. 81, s. 338, *amended*.

Construction  
of men  
in shaft  
cages and  
skips, etc.

324. All cages and skips used for lowering or raising persons in a mine shall comply with the following:

1. The hood shall be made of steel plate not less than three-sixteenths of an inch in thickness or of a material of equivalent strength.
2. The cage shall be provided with sheet-iron or steel side-casing not less than one-eighth of an inch in thickness or of a material of equivalent strength, and the casing shall extend to a height not less than five feet above the floor of the cage.
3. The cage shall be equipped with doors made of suitable material that extend to a height not less than five feet above the floor.
4. The doors shall be so arranged that it is impossible for the doors to open outward from the cage.
5. Doors shall be fitted with a suitable latch and shall have a minimum clearance at the bottom.
6.
  - i. The safety catches and mechanism shall be of sufficient strength to hold the shaft conveyance with its maximum load at any point in the shaft and shall be of a type the design of which has been approved by the chief engineer.
  - ii. Such safety catches and mechanism shall not be used until approved by the district electrical-mechanical engineer and such approval shall be based upon test performance.
  - iii. Such approval shall not be considered until the safety catches and mechanism are found to function satisfactorily under load conditions during such number of tests as are required by the chief engineer, each test to consist of suddenly releasing the shaft conveyance

in a suitable manner under maximum loading conditions for persons so that the safety catches will have the opportunity to grip the guides when the conveyance is descending at maximum rated speed.

- iv. A report of such tests shall be submitted to the chief engineer.
7. Before a shaft conveyance equipped with an approved type of safety catches and mechanism is first used for the purpose of lowering and raising persons, the safety catches and mechanism shall be found to function efficiently according to the requirements of the district electrical-mechanical engineer during a test under the same conditions as set out in paragraph 6, and a permit for the use of the conveyance for lowering and raising men shall be obtained from the district mining engineer.
8. A notation of such test shall be entered in the Hoisting Machinery Record Book and two copies of the report shall be sent to the district electrical-mechanical engineer.
9. A shaft conveyance previously permitted for use by the district mining engineer for the purpose of lowering or hoisting persons on which alterations or repairs to the safety catch mechanism necessary to rectify any distortion of the mechanism from its proven satisfactory position are made shall not be put to such use until the safety catch and mechanism have been found to function efficiently according to the requirements of the district electrical-mechanical engineer during a test made under the same conditions as set out in paragraph 6, and the district mining engineer has again issued permission for the use of the conveyance for such purpose.
10. A notation of such test shall be entered in the Hoisting Machinery Record Book and two copies of the report shall be sent to the district electrical-mechanical engineer.
11. A certificate of load capacity of the conveyance and attachments, which shall include the weight of the tail rope, if any, or other suspended load, shall be obtained from the manufacturer and made available to the district electrical-mechanical engineer.

12. Devices for attaching the conveyance to the rope shall have a factor of safety of not less than 10.

13. — (a) When newly installed, each device for attaching the rope or ropes to the conveyance shall have a factor of safety of not less than 10.

(b) When newly installed, or rebuilt, all bails, frame members and other parts affecting the safe operation of the conveyance shall have a factor of safety of not less than 10.

14. The bails and suspension gear of all shaft conveyances shall be cleaned and thoroughly inspected at least once in every twelve months and a record of such inspection shall be made in the Hoisting Machinery Record Book. 1961-62, c. 81, s. 339, *amended*.

Hoisting  
without  
safety  
catches

325. The chief engineer may give permission in writing for hoisting men without safety catches if he is satisfied that the equipment and conditions are such that maximum safety is provided. 1961-62, c. 81, s. 340.

Operating  
chairs by  
lever

326. The cage shall not have chairs attached to it that are operated by a lever or a chain through or from the floor of the cage. 1961-62, c. 81, s. 341.

Automatic  
operation  
of chairs

327. When chairs are used for the purpose of landing a shaft conveyance at any point in a shaft or winze, other than at the lowest point of travel for a skip, they shall be so arranged that they automatically fall clear and remain clear of the hoisting compartment when the cage or other conveyance is lifted off. 1961-62, c. 81, s. 342.

Bails,  
safety  
latches, etc.

328. The bucket and any device such as the bail, safety latch or other attachment to the bucket shall be of a design approved by the district electrical-mechanical engineer. 1961-62, c. 81, s. 343, *amended*.

#### HOIST BRAKES

Brakes  
required

329.—(1) Every device used for lowering into or hoisting from mine workings shall be equipped with a brake or brakes that may be applied directly to each drum so as to safely stop and hold the drum when carrying its maximum load. 1961-62, c. 81, s. 353 (1), *amended*.

- (2) The brakes shall be so arranged that they can be Arranged  
tested separately and, whether the hoist is at work or <sup>to test</sup>  
at rest, can be easily and safely manipulated by the <sup>separately</sup>  
hoistman when at the levers controlling the hoist.
- (3) No hoist used for lowering or raising persons or for <sup>Not</sup>  
shaft sinking shall be equipped with a brake or <sup>operated</sup>  
brakes operated by means of the hoistman's foot, <sup>by foot</sup>  
unless such brake is an auxiliary electrical device.
- (4) The adjustments of the brake or brakes and brake <sup>Adjust-</sup>  
mechanism shall be maintained in such condition <sup>ments to be</sup>  
that the brake lever or any other part of the brake <sup>maintained</sup>  
mechanism will not come to the limit of travel before  
the normal power of the brake or brakes is applied.
- (5) All brake engines shall be so equipped that, in the <sup>Loss of</sup>  
event of inadvertent or accidental loss of pressure <sup>brake</sup>  
in the brake system, the brakes can be applied. <sup>pressure</sup>
- (6) The brakes for a friction hoist shall be designed, <sup>Brake for</sup>  
adjusted and maintained to safely stop and hold the <sup>friction</sup>  
conveyance under all conditions of loading, direction <sup>hoists</sup>  
of travel and speed. 1961-62, c. 81, s. 353 (2-6).
- (7) At all times that persons are in or on a shaft con- <sup>Brakes</sup>  
veyance, the hoist shall be equipped with more than  
one brake, each capable of safely stopping and  
holding the drum or drums in use.
- (8) In shaft inspection, maintenance or sinking opera- <sup>Clutched-in</sup>  
tions, persons may be in or on a shaft conveyance <sup>drum</sup>  
attached to the fixed or clutched-in drum when  
changing balance. 1961-62, c. 81, s. 353 (7),  
*amended*.
- (9) At least one of the brakes required shall be arranged <sup>Automatic</sup>  
for automatic application upon operation of any of <sup>operation</sup>  
the safety devices for brake application.
- (10) In a brake system where weights are used to furnish <sup>Freedom</sup>  
auxiliary pressure on loss of air, the weights shall be <sup>of falling</sup>  
tested at least once every twenty-four hours to <sup>weights</sup>  
ensure their freedom of movement.
- (11) In the case of single drum air or steam driven hoists, <sup>Single</sup>  
automatic valves to control engine compression, <sup>drum air</sup>  
arranged for operation by the safety devices, may <sup>or steam</sup>  
serve as a brake. 1961-62, c. 81, s. 353 (8-10).
- (12) The arrangements mentioned in subsection 11 are <sup>Idem</sup>  
subject to the approval of the district electrical-  
mechanical engineer. 1961-62, c. 81, s. 353 (11),  
*amended*.

## HOIST CLUTCHES

Clutch-  
locking  
arrange-  
ment

330. The device for operating the clutch of the drum shall be provided with adequate means to prevent the inadvertent withdrawal or insertion of the clutch. 1961-62, c. 81, s. 354.

Interlocking  
brake and  
clutch

331. The brake and clutch operating gear shall be so installed that it will not be possible to unclutch a drum unless the brake or brakes on the drum are applied, nor shall it be possible to release the brake or brakes until the clutch of the drum is engaged. 1961-62, c. 81, s. 355.

## HOIST DRUMS

Securing of  
drum parts

332. Such bolts and other fittings of the drums, brakes and clutches as might be a danger in the event of their becoming loosened shall be rendered secure by means of suitable locking devices other than spring lockwashers. 1961-62, c. 81, s. 356.

Slipping  
of rope  
on drum

333. On the drum of every hoist used for lowering or raising persons, there shall be flanges and also, if the drum is conical, such other appliances as are sufficient to prevent the rope or cable from slipping off. 1961-62, c. 81, s. 357.

Suitability  
of hoist  
drum for  
rope

- 334.—(1) In all hoist installations, the dimensions of the drum or drums shall be suitable for the kind, diameter and length of the rope in service.

Bending  
stresses  
in rope

- (2) The diameters of the hoist drums shall be large enough to prevent the occurrence of unduly large bending stresses in the rope.

Rope risers

- (3) Where multiple-layer winding is used, proper arrangements shall be made and maintained to permit the rope to rise evenly from one layer to another and to wind properly without cutting down through any lower layer. 1961-62, c. 81, s. 358.

Drum hoist  
installations

- 335.—(1) On and after the 15th day of June, 1948, in all installations of newly-acquired drum hoists and modifications of existing hoists designed to increase the load ratings of the hoist,

- (a) all hoist drums over sixty inches in diameter shall have grooving properly machined to fit the rope used, except that, in the case of shaft sinking, preliminary development operations and operations of a temporary nature, hoists with plain drums may be used;

(b)

- (b) the drums shall have sufficient rope-carrying capacity to permit hoisting from the lowest regular hoisting point to the highest point of travel in the shaft without the necessity of winding more than three layers of rope on the drum;
  - (c) the diameter of a hoist drum shall be not less than 80 times the diameter of the hoisting rope in use when the diameter of the rope is greater than one inch and shall be not less than 60 times the diameter of the rope in use when the diameter of the rope is not greater than one inch, except that, in the case of shaft-sinking and preliminary development operations,
    - (i) a hoist may be used having a drum whose diameter is not less than 60 times the diameter of the hoisting rope in use when the diameter of the rope is greater than one inch, and
    - (ii) a hoist may be used having a drum whose diameter is not less than 48 times the diameter of the hoisting rope in use when the diameter of the rope is not greater than one inch; and
  - (d) the hoist and the head sheaves shall be so located in relation to one another as to permit the proper winding of the rope on the hoist drum.
- (2) In any change of location of a hoist installed prior <sup>Change of location</sup> to the coming into force of this section, the requirements of clause *b* of subsection 1 apply. 1961-62, c. 81, s. 359 (1, 2).
- (3) In friction hoist installations, <sup>Friction hoist installations</sup>
- (a) the drum diameter of every friction hoist installed on or after the day on which this Part comes into force shall be not less than 100 times the diameter of the rope in use;
  - (b) the hoist drive, control and brakes shall be so designed and maintained that slippage of the rope on the drum will not occur under normal operating conditions; and
  - (c) the rope treads shall be inspected regularly and maintained in good condition; 1961-62, c. 81, s. 359 (3), *amended*.

(d)

Tapered  
guides

- (d) in a friction hoist installation, tapered guides or other approved devices shall be installed above and below the limits of regular travel of the conveyance and arranged so as to brake and stop an overwound or underwound conveyance in the event of failure of other devices. 1961-62, c. 81, s. 365, *amended*.

#### SHEAVES

Head and  
deflection  
sheaves

- 336—(1) Head and deflection sheaves shall be machined and maintained to fit the rope properly.

Diameter  
of head  
sheaves

- (2) The diameter of a head sheave shall be determined by clause *c* of subsection 1 of section 335 as required for a hoist drum. 1961-62, c. 81, s. 360 (1, 2), *amended*.

Diameter  
of deflection  
sheaves

- (3) The diameter of a deflection sheave shall be determined by,
- (a) in the case of a drum hoist system, clause *c* of subsection 1 of section 335; and
  - (b) in the case of a friction hoist system, clause *a* of subsection 2 of section 335. *New*.

#### UTILITY HOISTS

Care of  
utility  
hoists

337. Utility hoists, including tugger hoists, ropes and other equipment used in connection with the installation, shall be maintained in a safe working condition. 1961-62, c. 81, s. 277, *amended*.

#### INDICATORS

Indicator  
required

- 338.—(1) Every hoist shall, in addition to any marks on the rope or drum, be provided with a reliable depth indicator that will clearly and accurately show to the operator,

- (a) the position of the bucket, cage or skip;
- (b) at what position in the shaft a change of gradient necessitates a reduction in speed;
- (c) the overwind or underwind position of the shaft conveyance or counter-balance; and
- (d) the position above or below the limits as in clause *c* beyond which the conveyance is not to move. 1961-62, c. 81, s. 363 (1), *amended*.

Operation  
of indicator

- (2) Hoist depth indicators shall be driven by a reliable means.

Means  
to adjust  
indicator  
on friction  
hoist

- (3) Means shall be provided on a friction hoist to adjust the depth indicators and protective devices on the hoist to the position of the conveyance in the shaft. 1961-62, c. 81, s. 363 (2, 3).

## OVERWINDING, ETC. — AIR HOISTS AND STEAM HOISTS

339. Air hoists and steam hoists shall be provided with <sup>Overwind and underwind protection</sup> suitable overwind, underwind and emergency protection for the hoisting conveyance, except that, in shaft-sinking, the underwind protection is not required. 1961-62, c. 81, s. 361, *amended*.
340. At all air hoists and steam hoists, there shall be <sup>Gauge required</sup> installed within plain view of the operator a gauge to indicate the air or steam pressure, as the case may be. 1961-62, c. 81, s. 362, *amended*.

## SPECIFICATIONS AND SPECIAL TESTING

- 341.—(1) The specifications of hoists and equipment and <sup>Specifi- cations required</sup> the general arrangement of the headframe in new installations and in shaft deepening projects shall be approved by the chief engineer.
- (2) Before a new hoisting installation is put in service, <sup>Commis- sioning tests</sup> tests shall be conducted to prove its compliance with this Act.
- (3) A record of such tests and the results obtained shall <sup>Record kept available</sup> be kept on file and made available to the district electrical-mechanical engineer.
- (4) If the district electrical-mechanical engineer deems <sup>Special testing by the district electrical-mechanical engineer</sup> it necessary, he may, after consultation with the manager, conduct or require to be conducted specific tests of the efficiency of all brakes, clutches, overwind devices or other hoist controls. 1961-62, c. 81, s. 364, *amended*.
- 342.—(1) All shafts, drums, mechanical linkage for con- <sup>New equipment</sup> trols, brake rods and other vital parts of a mine hoist which could affect the safety of the equipment shall be non-destructively tested before the hoist is placed in service.
- (2) Hoist and sheave wheel shafting, hoist brake and <sup>Equipment in service</sup> mechanical linkage for controls, conveyance draw-bars, pins and structural members and other hoisting equipment affecting the safety of the installation shall be non-destructively tested at regular intervals or as required by the district electrical-mechanical engineer.

Reports  
of tests

- (3) Dates of the non-destructive testing shall be recorded in the Machinery Record Book and the results shall be reported to the district electrical-mechanical engineer.

Approved  
methods

- (4) The non-destructive testing shall be carried out by methods acceptable to the chief engineer. *New.*

#### EXAMINATION

Examina-  
tion of  
hoisting  
equipment

343. The manager of a mine where a hoist is in use shall depute some competent person or persons whose duty it is to examine at least once in each week,

- (a) deflection, head and idler sheave wheels;
- (b) attachments of the hoisting ropes to the drums and to the counterweights, buckets, cages or skips;
- (c) brakes;
- (d) interlocks;
- (e) depth indicators;
- (f) buckets;
- (g) counterweights;
- (h) cages;
- (i) skips;
- (j) external parts of the hoist;
- (k) mechanical hoisting signalling equipment, if any;
- (l) shaft dumping and loading arrangements;
- (m) sinking doors and blasting sets, and any attachments thereto;
- (n) attachments to any cage, skip or bucket for any underslung regularly-used equipment; and
- (o) guide or rubbing rope tensioning devices and attachments,

and

and to record the report of such examination in a book called the Hoisting Machinery Record Book. 1961-62, c. 81, s. 366, *amended*.

#### HOISTING MACHINERY RECORD BOOK

- 344.—(1) The manager shall keep or cause to be kept at the mine the Hoisting Machinery Record Book referred to in section 343, in which shall be entered a report of every examination or report referred to in sections 324 and 343, subsection 2 of section 355, subsection 3 of section 359 and sections 360 and 361, and a notation of any failure of, accident to, correction or repairs to the hoist, the ropes, the shaft conveyance or any other part of the hoisting, dumping or loading equipment, signed by the person making the examination or report. <sup>Entering of reports</sup>
- (2) Such entries shall be read and signed each day, week or month, as required by this Act, by the person in charge of such equipment or accessories thereto. <sup>Entries to be signed</sup>
- (3) A notation shall be made in the Hoisting Machinery Book of the action taken regarding the report of any failure of, accident to, corrections or repairs to the hoist, the ropes, the shaft conveyance or any other part of the hoisting, dumping or loading equipment, over the signature of the person in charge of such equipment or accessories thereto. <sup>What to be entered</sup>
- (4) The Hoisting Machinery Record Book shall be made available to the engineer at all times. 1961-62, <sup>Books to be available</sup> c. 81, s. 386, *amended*.

#### HOISTING ROPES

- 345.—(1) The connecting device between the hoisting rope and the bucket, cage, skip, counterweight or other device shall be of such nature that the risk of accidental disconnection is reduced to a minimum. <sup>Rope connection</sup>
- (2) Such connecting device shall be of a design approved by the chief engineer. <sup>To be approved</sup>

- No open hooks (3) No open-hook device shall be used for such purpose.
- Fastened to spider on a drum hoist (4) The drum end of the rope shall be fastened to the spider of the drum or around the drum shaft in some suitable manner. 1961-62, c. 81, s. 368, *amended*.
- Counter-weight (5) The rope from the counterweight shall be attached to the drum of the hoist and not to the shaft conveyance in drum hoist installations. 1961-62, c. 81, s. 384.
- Splicing prohibited 346. In no case shall a rope that has been spliced be used for hoisting purposes. 1961-62, c. 81, s. 369.
- Length of rope required on drum hoist 347.—(1) No drum hoist shall be operated with less than three turns of rope on the drum when the bucket, cage or skip is at the lowest point in the shaft from which hoisting is effected.
- Three layers only on drum (2) No drum hoist shall be operated with more than three complete layers of rope on the drum when the conveyance is at the highest point of travel in the shaft. 1961-62, c. 81, s. 370, *amended*.
- Test certificate 348.—(1) No hoisting rope, tail rope, guide rope, or rubbing rope shall be used that has not been tested by the Ontario Government Cable Testing Laboratory and for which a certificate of the test is not in the possession of the user.
- Number of test specimens required (2) In friction hoist installations, where multiple ropes are used and when manufactured have been laid up continuously, a specimen shall be submitted for test, cut from the portion between each pair of ropes,
- (a) in the case of four ropes, two specimens shall be required;
  - (b) in the case of three ropes, two specimens shall be required;
  - (c) in guide and rubbing rope installations and where these ropes have been laid up continuously, a specimen shall be submitted for test, cut from the portion between each pair of ropes.
- Manufacturer's certificate (3) No hoisting rope, tail rope, guide rope or rubbing rope shall be used that is not accompanied by a certificate from the manufacturer giving the following information:

1. Name and address of manufacturer.
  2. Manufacturer's rope number.
  3. Date of manufacture.
  4. Diameter of rope in inches.
  5. Weight per foot in pounds.
  6. Rope construction.
  7. Class of core.
  8. Trade name of interior rope lubricant.
  9. Number of wires in strand.
  10. Grade of steel.
  11. Diameter of wires in decimals of an inch.
  12. Breaking stress of steel of which the wire is made in pounds per square inch.
  13. Standard torsion test of wires.
  14. Actual breaking load of rope, as provided by the certificate referred to in subsection 1.
  15. Length of rope.
- (4) When a rope is put into service in a shaft compartment or hoisting way, the data mentioned in subsection 3 shall be entered in a book called the Rope Record Book, together with the following information:
1. Name of person from whom purchased.
  2. Date of purchase.
  3. Date put on in present location.
  4. Identification number of rope.
  5. Name of shaft or winze and compartment in which rope is used.
  6. Weight of shaft conveyance.

7. Weight of material carried, or weight or tension applied to guide or rubbing rope.
8. Maximum length of rope in service below sheave or total length of guide or rubbing rope.
9. Maximum weight of rope in service below sheave or total weight of guide or rubbing rope.
10. Static factors of safety at conveyance suspension and at head sheave with rope fully let out, or at guide or rubbing rope suspension point.
11. Date put on and removed from previous locations, if any.

Information  
to be sent  
to chief  
engineer

- (5) A copy of such entries shall be forwarded to the chief engineer at the time the rope is put on in any location.

Rope  
Record  
Book

- (6) The manager shall keep or cause to be kept at the mine a book called the Rope Record Book, in which shall be recorded, in addition to the information referred to in subsections 3 and 4, the following information:

1. A history of the rope, giving the date on which the rope was first put on.
2. Dates of shortening.
3. Dates and results of breaking and electromagnetic tests.
4. Date and reason for taking out of service, for each occasion the rope is put into and taken out of service.

Rope  
Record  
Book  
open to  
engineer

- (7) The Rope Record Book shall be available to the district electrical-mechanical engineer.

Notification  
of rope  
discarded

- (8) When a hoisting rope, tail rope, guide or rubbing rope is taken out of service from a shaft compartment, notice to that effect shall be forwarded to the chief engineer, giving the date, the reasons for discarding or discontinuing the use of the rope, disposition of the rope, and such other information as he requires. 1961-62, c. 81, s. 371, *amended*.

- 349.—(1) No hoisting rope, tail rope, guide or rubbing rope that has previously been in use in a place beyond the control of the manager shall be put in service anew, except with the permission in writing of the chief engineer. Permission required to use old rope
- (2) Request for permission to use such rope shall be accompanied by certification that the rope has been properly examined and that no apparent defects have been found. Request for permission
- (3) The rope shall be electro-magnetically tested throughout its length and copies of the results, together with the interpretations, shall be sent to the chief engineer and to the district electrical-mechanical engineer within fourteen days after the test was made. 1961-62, c. 81, s. 372, *amended*. Electro-magnetic test
350. No hoisting rope, tail rope, guide or rubbing rope that has been removed from service shall be put in service anew for the purpose of lowering or raising persons, unless proper measures have been taken for the maintenance of the rope and the manager is satisfied that the rope is in safe working condition. 1961-62, c. 81, s. 373, *amended*. Precautions, used ropes
351. When a shaft compartment has been abandoned for hoisting purposes, the hoisting rope shall be removed immediately from the shaft. 1961-62, c. 81, s. 374, *amended*. Rope removal
352. No hoisting rope shall be reversed until approval in writing has been received from the chief engineer. 1961-62, c. 81, s. 375, *amended*. Rope not to be reversed
- 353.—(1) For the purpose of this section, the factor of safety of the hoisting rope, tail rope, guide or rubbing rope in a shaft or winze of a mine means the number of times the breaking strength of the rope is greater than the total weight supported by the rope at a definite place in the rope. Safety factor of ropes, interpretation
- (2) The breaking strength of the rope means the breaking strength of the rope as shown in the test certificate issued by the Ontario Government Cable Testing Laboratory before the rope is installed, as required by subsection 1 of section 348. Breaking strength of ropes, interpretation

Safety  
factor of  
drum hoist  
ropes

- (3) Every hoisting rope, when newly installed on a drum hoist, shall have a factor of safety of not less than 8.5 at the end of the rope where it is attached to the conveyance and where the total weight consists of the combined weight of the conveyance and the maximum load to be carried.

Idem

- (4) In addition, the hoisting rope, when newly installed, shall have a factor of safety of not less than 5 at the point where the rope leaves the head sheave and, the rope being fully let out, the total weight consists of the combined weight of the conveyance plus the maximum load to be carried plus the weight of that part of the rope that extends from the head sheave to the conveyance.

Safety  
factor for  
friction  
hoist ropes

- (5) The factor of safety of the hoisting ropes for a given friction hoist installation is the lowest actual breaking strength, as determined by the Ontario Government Cable Testing Laboratory, for the ropes, times the number of ropes, divided by the sum weight of the conveyance and attachments, the maximum conveyance load carried and the maximum weight of rope suspended in one compartment of the shaft.

Idem

- (6) When the hoisting rope is installed on a friction hoist, the factor of safety shall be not less than that determined from the following formula:  $F. \text{ of } S. = 8.0 - .0005 d$ , where  $d$  is the maximum length of rope suspended below the head sheave in feet.

Idem

- (7) For friction hoists, the factor of safety of the hoisting ropes shall be not less than 5.5 for any depth of shaft when the ropes are installed.

Safety  
factor of  
tail ropes

- (8) The factor of safety of tail ropes shall be not less than 7 when installed.

Safety  
factor of  
guide and  
rubbing  
ropes

- (9) The factor of safety of guide and rubbing ropes shall be not less than 5 when installed. 1961-62, c. 81, s. 376, *amended*.

Rope  
discard  
criteria

354.—(1) No hoisting rope shall be used in a shaft or winze of a mine where in any part of the rope,

- (a) the existing strength has decreased to less than 90 per cent of the original strength of the rope;
- (b) the extension of a test piece has decreased to less than 60 per cent of its original extension when tested to destruction;

(c)

- (c) the number of broken wires in any section of the rope equalling the length of one lay of the rope exceeds six;
  - (d) marked corrosion occurs;
  - (e) the rate of stretch in a friction hoisting rope begins to show a rapid increase over the normal stretch noted during its service. 1961-62, c. 81, s. 377, *amended*.
- (2) No tail rope, guide or rubbing rope shall be used in a <sup>Idem</sup> shaft where in any part of the rope,
- (a) the existing strength has decreased to less than 75 per cent of the original strength of the rope;
  - (b) the extension of a test piece has decreased to less than 60 per cent of its original extension when tested to destruction;
  - (c) the number of broken wires in any section of the rope equalling the length of one lay of the rope exceeds six;
  - (d) marked corrosion occurs. *New*.
- 355.—(1) The rope dressing used on a drum hoisting <sup>Rope dressing</sup> rope shall be suited to the operating conditions of the rope, and the dressing shall be applied at least once in every month and as often as is necessary to maintain the coating on the rope in good condition.
- (2) Every time the rope is dressed, a report of the <sup>Idem</sup> treatment shall be recorded in the Hoisting Machinery Record Book and signed by the person who performed the work. 1961-62, c. 81, s. 378.
- 356.—(1) After 18 months of service, and thereafter at <sup>Testing of hoisting ropes</sup> intervals of six months, the hoisting rope of a drum hoist shall have a portion not less than 8 feet in length cut off the lower end from a position above the clamps or other attachment.
- (2) The portion of rope so cut shall have the ends ade- <sup>Idem</sup>quately fastened with binding wire before the cut is made to prevent the disturbance of the strands and it shall be sent to the Ontario Government Cable Testing Laboratory for a breaking test. 1961-62, c. 81, s. 379 (1, 2), *amended*.

- |  |   |
|--|---|
| Recording of test                      | (3) The certificate of the test shall be kept on file and a summary thereof recorded in the Rope Record Book. 1961-62, c. 81, s. 379 (4).   |
| Electro-magnetic testing               | (4) All hoisting ropes on drum hoists and friction hoists shall be tested throughout their working length by an electro-magnetic testing device within the first six months of service, and thereafter at intervals of four months, or as required by the chief engineer.   |
| Idem                                   | (5) All tail ropes, guide and rubbing ropes shall be electro-magnetically tested at the end of twelve months service, and thereafter at such intervals as is necessary to ensure that the rope is in safe condition.  |
| Idem                                   | (6) The electro-magnetic testing service and the agency or company supplying such service shall be approved by the chief engineer.  |
| Tests to be recorded                   | (7) The dates and results of the electro-magnetic tests shall be entered in the Rope Record Book.   |
| Submission of results                  | (8) Records of each electro-magnetic test, including graphs and interpretations, over the signature of the person making the interpretation, shall be sent to the chief engineer and to the district electrical-mechanical engineer within fourteen days after the test is made. <i>New.</i>  |
| Special testing of used hoisting ropes | 357.—(1) The chief engineer may require that test specimens be cut from any rope discarded for use in mine hoisting at points specified by him and sent to the Ontario Government Cable Testing Laboratory for special testing and investigation if he is of the opinion that such testing and investigation are in the interests of better mine hoisting practice. |
| No charge for testing                  | (2) No charge shall be made for such special testing and investigation, but the mine is responsible for the cost of cutting, preparation and shipment of the test specimens. 1961-62, c. 81, s. 380, <i>amended.</i>  |

#### CLEARANCE FOR TAIL ROPES

- |                        |   |
|------------------------|---|
| Tail ropes to be clear | 358. Water and spillage in a shaft sump in a mine shall be kept at such a level at all times that, <div style="margin-left: 40px;"> <p>(a) tail ropes have clear passage; and</p> <p>(b) guide and rubbing rope connections and tension devices are clear. 1961-62, c. 81, s. 381, <i>amended.</i></p> </div> |
|------------------------|---|

## ROPE ATTACHMENTS

- 359.—(1) Any rope in hoisting service when newly put on, and after any subsequent loosening of the connecting attachments between the rope and the bucket, cage, skip or counterweight and the connection between the rope and the hoist drum, shall have the attachments carefully examined by a qualified person or persons authorized by the manager and shall not be used for ordinary transport in a shaft or winze until two complete trips up and down the working parts of the shaft or winze have been made with the bucket, cage, skip or counterweight bearing its authorized load, and the connecting attachments have been re-examined. 1961-62, c. 81, s. 382 (1), *amended*. Examination of attachments
- (2) The hoistman shall make a record of such two complete trips in the Hoistman's Log Book. Record to be kept
- (3) The results of the examination of the connecting attachments between the bucket, cage, skip or counterweight and hoist drum and the rope shall be recorded in the Hoisting Machinery Record Book and signed by the person making the examination. 1961-62, c. 81, s. 382 (2, 3). Results to be recorded
- 360.—(1) In drum hoist installations, after every six months of service, that portion of the rope at the conveyance end within the clamps shall be cut off and discarded. Cleaning and examination of rope connections
- (2) At such time, the connection between the rope and the drum shall be thoroughly cleaned and examined. Idem
- (3) In friction hoist installations, after every six months of service, the position of the hoisting rope within the clamps shall be changed, if practicable, or that portion of the rope within the clamps shall be thoroughly cleaned and examined. Idem
- (4) Every six months, the tail rope, guide and rubbing rope attachments and tensioning devices shall be thoroughly cleaned and examined. 1961-62, c. 81, s. 383, *amended*. Idem

## EXAMINATION OF ROPES AND SAFETY APPLIANCES

- 361.—(1) The manager shall depute a competent person or persons who shall examine, Examination of ropes and safety appliances

(a)

- (a) at least once in each day, the exterior of the hoisting rope and tail rope to detect the presence of kinks or other visible damage and to note the appearance of the rope dressing;
- (b) at least once in each month, the structure of that portion of the hoisting rope that is not on the hoist drum when the conveyance is at its lowest stopping point, and the tail, guide and rubbing ropes, with a view to ascertaining the deterioration thereof, and for the purpose of this examination the rope shall be cleaned at points selected by such person or persons, who shall note any reduction in the diameter or circumference of and the proportion of wear in the rope, and the starting point of the examination shall be changed slightly from month to month in order to obtain more complete information, but any portion showing appreciable reduction in diameter or circumference or appreciable wear shall be checked when the rope is again examined;
- (c) at least once in each month, the portion of the rope that normally remains on the drum of a drum hoist when the conveyance is at its lowest stopping point, and shall lubricate such portion, and, if, during the examination of the rope, significant deterioration is found in the portion on the drum or at the cross-over points, the rope shall be shortened sufficiently to eliminate any crushed portion or to change the position of the cross-over points if either or both are necessary;
- (d) at least once in each day, the safety catches, if any, of the conveyance, to be sure they are clean, sharp and in proper adjustment and working condition;
- (e) at least once in every three months, the safety catches of the cage or other shaft conveyance so equipped by testing the same, such test to consist of releasing the empty conveyance suddenly in some suitable manner from rest so that the safety catches have the opportunity to grip the guides, and, in case the safety catches do not act satisfactorily, the cage or other shaft conveyance shall not be used further for lowering or raising men until the

safety catches have been repaired and have been proved to act satisfactorily, as referred to in paragraph 9 of section 324. 1961-62, c. 81, s. 385 (1), *amended*.

- (2) In friction hoist installations, the stretch of the hoisting rope or ropes shall be measured and recorded in the Friction Hoist Machinery Record Book. Stretch to be recorded
- (3) In friction hoist installations, measurement of rope diameters and the location and number of broken wires shall be recorded monthly in the Friction Hoist Machinery Record Book. 1961-62, c. 81, s. 385 (2, 3). Rope diameters and broken wires to be recorded
- (4) If the district electrical-mechanical engineer deems it necessary, he may, after consultation with the manager, conduct or cause to be conducted specific tests of the safety catches with which a conveyance is equipped. Engineer may conduct tests
- (5) If on examination there is discovered any weakness or defect whereby the safety of persons may be endangered, the weakness or defect shall be immediately reported to the manager or person in charge and, until the weakness or defect is remedied, the hoisting plant shall not be used. 1961-62, c. 81, s. 385 (4, 5), *amended*. Defects to be remedied at once
- (6) It is the duty of the person referred to in subsection 1 to record the reports of all examinations therein referred to and also to record all reports referred to in subsection 5 in a book called the Hoisting Machinery Record Book or the Friction Hoist Machinery Record Book, whichever is applicable. 1961-62, c. 81, s. 385 (6). Recording of examination and reports

#### HOIST LOADING

#### 362.—(1) In this section,

Interpretation

- (a) "authorized maximum load of persons" means the total weight of persons permitted by the district mining engineer to be carried at any time in the shaft conveyance;
- (b) "maximum allowable weight" means the maximum weight permitted by this Part to be attached to the rope in service or the maximum weight attached to the rope that the hoist is capable of handling or the maximum weight of material that the conveyance is capable of handling whichever is the least. 1961-62, c. 81, s. 318 (1), *amended*.

Rated  
loading,  
drum hoists

- (2) Every drum hoist shall be accompanied by a certificate from the manufacturer, or an independent person approved by the chief engineer, giving the maximum permissible rope pull for each drum and the maximum permissible suspended load of the hoist, and the hoist shall not be loaded beyond the maximum loads so specified. 1961-62, c. 81, s. 367 (1), *amended*.

Rated  
loading,  
friction  
hoists

- (3) Every friction hoist shall be accompanied by a certificate from the manufacturer, or an independent person approved by the chief engineer, giving the maximum rated unbalanced load and the maximum rated suspended load of the hoist, and the hoist shall not be loaded beyond the maximum loads so specified. *New*.

Approval  
for  
increased  
capacity

- (4) No alterations designed to increase the hoisting capacity shall be made to a hoist unless approval is given by its manufacturer or an independent person approved by the chief engineer. 1961-62, c. 81, s. 367 (2), *amended*.

Determina-  
tion of  
maximum  
load on  
conveyance,  
drum hoists

- (5) Except as provided in clause *b* of subsection 1, the maximum allowable load to be lowered or raised on the shaft conveyance of a drum hoist means the maximum allowable weight at the end of the rope less the weight of the conveyance.

Idem,  
friction  
hoists

- (6) The maximum material-load allowed on the conveyance of a friction hoist shall be determined from the lesser of the following calculations:

1. Maximum allowable suspended load on the hoist, less the weight of the hoisting ropes, less the weight of tail ropes, less the weight of the conveyances and the attachments.
2. The breaking strength of the rope, divided by the required factor of safety, minus the maximum weight of rope suspended in one compartment, minus the weight of the conveyance and attachments in that compartment; and, where multiple ropes are used, the lowest breaking strength of any rope shall be used for all ropes in load calculations.
3. The unbalanced load on the hoist as rated by the manufacturer, which shall not be exceeded.

4. The maximum allowable load on any conveyance, which shall not be greater than that for which the conveyance was rated by the manufacturer. 1961-62, c. 81, s. 318 (7), *amended*.
- (7) Where a shaft conveyance is used for the lowering or raising of both persons and materials, the weight on the conveyance when handling its authorized maximum load of persons, shall not exceed 85 percent of the maximum allowable weight permitted for materials. 1961-62, c. 81, s. 318, (3, *part*, 4), *amended*.  
Maximum persons load when conveyance also used for materials
- (8) The manager shall obtain from the district mining engineer resident in the district a certificate in writing setting out the maximum loads of persons or materials that may be carried in the shaft conveyance before persons are so carried. 1961-62, c. 81, s. 318 (3), *part*, *amended*.  
Certificate respecting maximum loads
- (9) The district mining engineer may issue the certificate referred to in subsection 8 if he is satisfied that the hoisting installation and signalling equipment meet the requirements of this Act. 1961-62, c. 81, s. 318 (5), *amended*.  
When certificate issued

#### SHAFT HOISTING PRACTICE

- 363.—(1) The hoisting of persons or materials in a mine shaft by automatic control is subject to the approval of the chief engineer.  
Hoisting by automatic control
- (2) Where a hoist in a mine is being operated by automatic control and no other means of hoisting persons is provided, there shall be available a person qualified to operate the hoist manually when persons are underground. 1961-62, c. 81, s. 303, *amended*.  
Idem
- 364.—(1) Where steel, timber or other material is being lowered or raised in a shaft conveyance in a mine, it shall be loaded in such a manner as to prevent it from shifting its position, and, if necessary, it shall be secured to the conveyance.  
Lowering and raising material

Long  
material  
properly  
secured

- (2) When such material projects above the sides of the conveyance, it shall be securely fastened to the conveyance or lashed to the hoisting rope in such a manner as not to damage the rope. 1961-62, c. 81, s. 304, *amended*.

Compartment to be lined where crosshead not used

365. Where a crosshead is not used in a vertical shaft or winze in a mine, the compartment in which the bucket works shall be closely lined with sized lumber. 1961-62, c. 81, s. 305, *amended*.

Level of load in bucket or skip

366. In the course of sinking a shaft or winze in a mine, the bucket or skip shall be filled only in such a manner that no piece of loose rock projects above the level of the brim. 1961-62, c. 81, s. 306, *amended*.

Hoisting men in buckets

367. In shaft-sinking operations in a mine, where the hoisting speed exceeds 1,000 feet per minute, persons shall ride in the bucket above the bottom crosshead stop. 1961-62, c. 81, s. 307, *amended*.

Lowering men after blast

- 368.—(1) During sinking operations in a shaft or winze in a mine, the bucket or skip used for returning persons to the working place following a blasting operation shall not be lowered on the initial trip beyond the point where, owing to the blast, it may be unsafe to go without a careful examination, and in no case shall the point be less than fifty feet above the blasting set or bulkhead.

Idem

- (2) The bucket or skip shall be lowered from such point only on signal from the persons accompanying it and at such speed as to be fully under control, by signal, of such persons.

Idem

- (3) Only sufficient persons shall be carried on such a trip as are required to properly conduct a careful examination of the shaft or winze. 1961-62, c. 81, s. 308, *amended*.

Bucket or skip not to be lowered directly to face

369. In the course of sinking a shaft or winze in a mine, the bucket or skip shall not be lowered directly to the bottom but shall be held at least fifteen feet above the bottom and shall remain there until a separate signal to lower it has been given by an authorized person. 1961-62, c. 81, s. 309, *amended*.

Bucket to be steadied

370. No bucket shall be allowed to leave the top or bottom of a shaft or winze in a mine until the person in charge of it has steadied it or caused it to be steadied. 1961-62, c. 81, s. 310, *amended*.

- 371.—(1) In the course of sinking a shaft or winze in a mine, adequate provision shall be made and maintained to ensure the impossibility of the bucket or skip being dumped while the dumping doors are open and means shall be applied to prevent spillage from falling into the shaft or winze. Protection from dumping
- (2) A door or doors to cover the sinking compartments shall be provided and maintained at the collar or other point of service of every shaft or winze in a mine while sinking is in progress. Door to cover sinking compartment
- (3) The design of the things required under subsections 1 and 2 shall be submitted for the approval of the district electrical-mechanical engineer before such things are installed. Design to be approved
- (4) The door or doors referred to in subsection 2 that are at the point of loading shall be kept closed when tools or material are being loaded into or unloaded from the bucket or skip, except when the bucket or skip is unloaded by dumping arrangements as provided for in subsection 1. Doors to be closed
- (5) The door or doors referred to in subsection 2 shall be closed when persons are loaded or unloaded, except where a safety crosshead fills the compartment at the collar or other point of service. 1961-62, c. 81, s. 311, *amended*. Idem
- (6) Any doors or other shaft fixture which when moved into the travel area of a shaft compartment would interfere with free passage of the conveyance shall be so equipped that their position is indicated to the hoistmen by signal lights. *New*. Warning of obstruction
372. Except during sinking operations, whenever a mine shaft or winze exceeds 300 feet in vertical depth, a suitable cage or skip constructed as required by sections 323 and 324 shall be provided for lowering or raising men in the shaft or winze. 1961-62, c. 81, s. 312, *amended*. Cage for handling men
- 373.—(1) No person shall travel or be permitted to travel in a cage at any time, except during shaft inspection, unless the doors of the cage are securely closed. 1961-62, c. 81, s. 313 (1). Cage doors to be closed
- (2) The doors of a cage shall not be opened until a full stop has been made at the point or station signalled except, Idem

(a) during trips of inspection; and

(b) as permitted by subsection 3. 1961-62, c. 81, s. 313 (2), *part, amended*.

Idem

(3) In the case of an inadvertent stop at a point in the shaft or winze other than a station, the cage doors may be opened and then persons may leave the cage only on the instructions of an authorized person outside the cage. 1961-62, c. 81, s. 313 (2), *part, amended*.

Operation  
of chairs

374.—(1) Where chairs are used for the purpose of landing a shaft conveyance at a point in a shaft or winze, except when hoisting in balance from that point, the chairs shall not be put into operation unless the proper chairing signal has been given to the hoistman.

Idem

(2) Chairs shall not be used when persons are in or on a shaft conveyance. 1961-62, c. 81, s. 314, *amended*.

Hoisting  
persons and  
material  
simul-  
taneously

375.—(1) Except as provided for in clause *c* of section 376, no person shall travel or be permitted to travel in a bucket, cage or skip operated by a hoist that is being simultaneously used for the hoisting of mineral or material.

Persons  
only in  
approved  
conveyances

(2) No person shall be lowered or raised or permit himself to be lowered or raised in a shaft or other underground opening except in an approved raise climber, or a scaling platform, or in an approved hoisting conveyance as provided for in section 376, but this prohibition does not apply where persons are lowered or raised by hand or by means approved by the district electrical-mechanical engineer for use in construction, maintenance or repair work. 1961-62, c. 81, s. 315, *amended*.

When  
persons  
not to be  
hoisted

376. No person shall be lowered or raised or allow himself to be lowered or raised in a shaft, winze, or other underground opening of a mine,

(a) in a bucket or skip, except that persons employed in shaft sinking may ascend and descend to and from the sinking deck or other place of safety and the persons employed in shaft inspection and maintenance may be lowered or raised in the shaft by means of such conveyance;

(b)

- (b) in a cage or skip that does not meet the requirements of sections 324 and 326, except as provided for in clause *a* of this section or section 325;
- (c) in a cage, skip or bucket that is loaded with explosives or blasting agents, steel, timber or other material or equipment, except where such person is authorized to handle such material in a cage, skip or bucket and the materials are adequately secured as required by section 364, but nothing in this clause prohibits persons from carrying personal hand tools or equipment approved by the district mining engineer in a shaft conveyance if such tools or equipment are properly protected with guards and the conveyance is not overcrowded;
- (d) in any shaft conveyance, except during shaft sinking operations or shaft inspection and maintenance operations, except where a person authorized to give signals is in charge of the shaft conveyance. 1961-62, c. 81, s. 316, *amended*.

377. Except in the course of sinking a shaft in a mine, no person shall enter or be allowed to enter a shaft conveyance or work upon or under a shaft conveyance when the corresponding drum of the hoist is unclutched, unless the conveyance is first secured in position by chairing or blocking. 1961-62, c. 81, s. 317, *amended*. Use of conveyance if drum unclutched

378. Permission shall be obtained from the chief engineer before a skip or bucket is used for lowering or raising persons in a shaft or winze of a mine, except during sinking, inspection or maintenance operations. 1961-62, c. 81, s. 338 (2), *amended*. Permission necessary to handle men in skip or bucket

379. Where a bucket is used in a shaft or winze in a mine for other than sinking purposes, Use of shaft buckets

- (a) a set of doors as required by subsection 2 of section 371 shall be installed at the collar and every point of service of the shaft or winze;
- (b) a suitable landing device shall be used at every working level when the bucket is being loaded or unloaded at that level; and

(c)

- (c) simultaneous operations shall not be carried on at more than one level until the style of structure and method of operation of any such device installed at intermediate levels have been submitted to and have received the approval of the district mining engineer. 1961-62, c. 81, s. 270, *amended*.

#### CONVEYANCE NOTICES AND DISCIPLINE

Notice  
to be  
posted

- 380.—(1) A notice showing clearly the number of persons allowed to be carried in and the weight of materials allowed to be loaded on the conveyance, as referred to in subsection 6 of section 362, shall be posted and maintained at the collar of the shaft or winze.

Respons-  
ibility

- (2) The person authorized to give signals is responsible for the observance of such notice. 1961-62, c. 81, s. 319, *amended*.

Lamps

- 381.—(1) When persons are being lowered or raised in a cage or skip, no person, other than the cagetender or skiptender, shall have a burning open-flame lamp of any kind, except that, for shaft inspection or similar purposes, a sufficient number of lighted lamps shall be permitted.

Discipline  
to be  
maintained

- (2) When persons are being lowered or raised in a cage or skip a proper discipline of the persons riding in the cage or skip shall be maintained.

Obstruction  
prohibited

- (3) No person shall obstruct the enforcement of the requirements of subsection 1 of section 380 or this section. 1961-62, c. 81, s. 320, *amended*.

#### SIGNALS

Signal  
systems

382. Every working shaft in a mine shall be provided with a suitable means of communicating by distinct and definite signals to the hoist room from the bottom of the shaft, from every working level, from the collar and from every landing deck. 1961-62, c. 81, s. 321, *amended*.

Separate  
system  
for each  
compartment

383. A separate, audible signal system shall be installed for the control of each hoisting conveyance operated from a single hoist in a mine, and there shall be a sufficient difference in the signals to the hoistman so that they are easily distinguishable. 1961-62, c. 81, s. 322, *amended*.

- 384.—(1) Where an electrical signal system is installed in a mine, the hoistman shall return the signal to the person giving the signal when persons are about to be lowered or raised. 1961-62, c. 81, s. 323, *amended*. <sup>Return signals</sup>
- (2) Where multi-deck staging is being used for shaft-sinking in a mine, an audible or visible return signal system shall be installed and used. *New*. <sup>Idem, multi-deck staging</sup>
385. No device for signalling to or communicating with the hoistman shall be installed or operated in or on any shaft conveyance in a mine without the written permission of the chief engineer. 1961-62, c. 81, s. 324, *amended*. <sup>Special devices</sup>
386. No cage call system communicating with the hoist-room shall be installed or used at a shaft or winze in a mine. 1961-62, c. 81, s. 325, *amended*. <sup>Cage call system</sup>
- 387.—(1) The following code of signals shall be used at every mine and a copy of such code shall be printed and kept posted in every hoist room and at every level or other recognized landing place in every working shaft or winze: <sup>Code of signals</sup>
- 1 bell . . . . Stop immediately — if in motion  
(Executive Signal).
  - 1 bell . . . . Hoist (Executive Signal).
  - 2 bells . . . . Lower (Executive Signal).
  - 3 bells . . . . Men travelling in hoisting conveyance (Cautionary Signal). This signal shall be given by the conveyance tender at all levels before any person, including the conveyance tender, is permitted to enter or leave the conveyance. Where a stop exceeds one minute, the 3-bell signal shall precede the next destination signal. Where a return-bell signal system is installed, the hoistman shall return the 3-bell signal before any person is permitted to enter or leave the conveyance.
  - 4 bells . . . . Blasting Signal. The hoistman shall answer by raising the bucket, cage or skip a few feet and letting it back slowly. Following a 4-bell signal, only

a 1-bell signal shall be required to signal for hoisting persons away from a blast and the hoistman shall remain at the controls until the act of hoisting has been completed.

5 bells. . . . Release Signal. The hoistman may act at his own discretion to perform any movements, or series of movements, involving the conveyance or conveyances designated by the destination signals referred to in section 388. Where a return-signal system is installed, the hoistman shall return the signals and may then act at his own discretion. On the completion of the necessary movements, he shall not move the hoist again until he has received a new signal.

9 bells. . . . Danger Signal (Special Cautionary). To be given only in case of fire or other danger. The signal for the level at which the danger exists should be given following the giving of the danger signal. This signal to be given only on the call system or voice communication system except in shaft sinking and maintenance. 1961-62, c. 81, s. 326 (1), *amended*.

Method  
and order  
of signals

(2) The following method and order shall be observed in giving signals:

1. Strokes on the bell shall be made at regular intervals.
2. Signals shall be given in the following order:  
1st, Cautionary Signals; 2nd, Destination Signals; 3rd, Executive Signals. 1961-62, c. 81, s. 326 (2).

Special  
signals

388.—(1) At every mine, other signals, termed destination signals, in conjunction with the code set forth in subsection 1 of section 387 shall be used to designate all regular stopping points. 1961-62, c. 81, s. 327 (1), *amended*.

Idem

(2) Special signals shall be used to designate all special hoisting movements. 1961-62, c. 81, s. 327 (2).

(3)

- (3) Special signals shall be easily distinguishable from <sup>Idem</sup> the code set forth in subsection 1 of section 387 and shall not interfere with it in any way and shall follow the Department's standard mine signal code, and any deviation from the latter shall be approved by the chief engineer.
- (4) Such destination signals and other special signals <sup>Idem</sup> approved for use at any mine and an adequate description of their application to the movements required shall be posted at every hoist, at the top of the shaft or winze and at every working level of the shaft or winze. 1961-62, c. 81, s. 327, *amended*.
- 389.—(1) Except as provided in subsection 2, the hoist- <sup>Hoistman not to move conveyances</sup> man shall not move the hoisting conveyance within a period of ten seconds after receiving a signal designating a movement at any time that persons are carried. 1961-62, c. 81, s. 328 (1), *amended*.
- (2) The waiting period mentioned in subsection 1 is not <sup>Where waiting period not required</sup> required where throughout the shaft or winze the executive signal given only after the hoisting conveyance doors and the shaft gates have been completely closed and the person giving the signal is inside the conveyance or in the shaft station or other recognized landing place.
- (3) In case the hoistman is unable to act within one <sup>If unable to act within one minute</sup> minute of the time he has received any complete signal, he shall not move the hoisting conveyance until he has again received another complete signal. 1961-62, c. 81, s. 328 (2), *amended*.
- 390.—(1) After a hoistman has received a 3-bell <sup>3-bell signal</sup> signal, he shall remain at the hoist controls until he has received the signal designating the movement required and has completed that movement. 1961-62, c. 81, s. 329 (1).
- (2) After the hoistman has commenced the movement, <sup>Idem</sup> he shall complete it without interruption, unless he receives a stop signal or in case of emergency. 1961-62, c. 81, s. 329 (2), *amended*.
391. Except in case of emergency, no person shall speak <sup>Talking to hoistman</sup> to the hoistman while the hoist is in motion, and a sign to this effect plainly visible to any person approaching the hoist controls shall be kept posted at all times. 1961-62, c. 81, s. 331, *amended*.

Signal  
required

392.—(1) Except as provided in subsection 2, the hoistman shall not move the hoisting conveyance until he has received a proper signal. 1961-62, c. 81, s. 332, *part, amended*.

Exception

(2) In the event of an inadvertent stop at some point in the shaft or winze other than at a station from which a signal may be given, the hoistman may move the conveyance when he has assured himself that the hoist controls are in proper working order and, when lowering or raising persons he has received instructions from an authorized person. 1961-62, c. 81, s. 332, *part, amended*.

Only  
authorized  
persons  
to give  
signal

393.—(1) No person, unless he is authorized so to do, shall give any signal for moving or stopping a bucket, cage or skip in a mine.

Idem

(2) No unauthorized person shall give any signal or in any way interfere with the hoist signalling arrangements.

Voice com-  
munication

394.—(1) A system shall be installed in any active shaft or winze to provide voice communication between the collar and regular landing places. 1961-62, c. 81, s. 334 (1) *amended*.

Idem

(2) Such installations shall be provided at suitable intervals. *New*.

Position of  
conveyance

395. No signal shall be given unless the bucket, cage or skip is at the level from which the signal is to be given. 1961-62, c. 81, s. 335.

Hoistman  
to remain  
at controls

396.—(1) Except when the hoist is operating under automatic control, the hoistman shall remain at the hoist controls at all times the hoist is in motion. 1961-62, c. 81, s. 330, *amended*.

Idem

(2) Before a hoistman leaves the hoist controls, he shall ensure that the brakes are fully set and that there will be no inadvertent motion of the hoist drums. *New*.

Only  
authorized  
persons may  
operate  
hoist

(3) No person, unless he is authorized so to do, shall operate any equipment for controlling the movement of the hoist or interfere with the equipment. 1961-62, c. 81, s. 333, *amended*.

## HOISTING PROCEDURE

- 397.—(1) If at the commencement of a shift there has been a stoppage of hoisting in a shaft for a period exceeding two hours duration, no regular hoisting shall be done until the shaft conveyance has made one complete trip through the working part of the shaft or, where shaft repairs have been made, a return trip of the shaft conveyance has been made through and below the affected part of the shaft. <sup>Hoisting after stoppages</sup>
- (2) The hoistman shall record all such stoppages and trips in the Hoistman's Log Book. 1961-62, c. 81, s. 344, *amended*. <sup>Record of stoppages</sup>
398. Where a hoist is equipped with an auxiliary overwind device for preventing persons from being hoisted to the dumping position in skips or in skips of skip-cage assemblies as required in section 533, the hoistman shall place the device in operation or assure himself that it is in operation at all times that persons are in or on the conveyance. 1961-62, c. 81, s. 345, *amended*. <sup>Man safety device</sup>
399. Where obstructions such as those referred to in section 527 may exist, the hoistman shall not lower or raise the shaft conveyance without proper authority. 1961-62, c. 81, s. 346, *amended*. <sup>Obstructions</sup>
400. All overwind and underwind devices shall be tested at least once during every twenty-four hours of operation and a record of the test shall be posted immediately in the Hoistman's Log Book. 1961-62, c. 81, s. 347, *amended*. <sup>Testing overwind devices</sup>
- 401.—(1) The operator of a hoist shall, after going on shift and before a shaft conveyance is lowered or raised, assure himself that the brake or brakes are in proper condition to hold the loads suspended on the corresponding drum or drums by testing the brakes of the drums against the normal starting power of the engine or, in the case of an electric hoist, against the normal starting current. <sup>Brakes to be tested</sup>
- (2) The operator of a hoist shall not unclutch a drum of the hoist until the test mentioned in subsection 1 has been made. 1961-62, c. 81, s. 348, *amended*. <sup>Drum not to be unclutched</sup>
- 402.—(1) Where a hoist is fitted with a friction clutch, the operator shall, after going on shift and before a conveyance is lowered or raised, test the holding power <sup>Friction clutches</sup>

of the clutch, the brake of the corresponding drum being kept on and the brake of the other drum being kept off.

Idem

- (2) In the case of a steam or air hoist, the test mentioned in subsection 1 shall be made against the normal starting power of the engine and, in the case of an electric hoist, against the normal starting current. 1961-62, c. 81, s. 349, *amended*.

Use of  
brake when  
drum  
unclutched

- 403.—(1) When the drum of a hoist is unclutched, the brake of the drum shall be used only for the purpose of maintaining the drum in a stationary position, and no lowering shall be done from an unclutched drum. 1961-62, c. 81, s. 350.

Unclutching  
procedure

- (2) Before commencing unclutching operations, the hoistman shall ensure that the brakes have been applied on both hoist drums. *New*.

When  
clutch to be  
kept in

- (3) When persons are in or on a shaft conveyance, the corresponding drum of the hoist shall be kept clutched in. 1961-62, c. 81, s. 351, *amended*.

#### HOISTMAN'S LOG BOOK

Hoistman's  
Log Book

- 404.—(1) At every shaft or winze hoist, there shall be kept a Hoistman's Log Book in which the following shall be recorded:

1. A report of the working condition of the hoist, including the brakes, clutches, interlocking devices between the brake and clutch, depth indicators and all other devices and fittings pertaining to the safe operation of the hoist.
2. A report of the working condition of the signalling apparatus and a notation of any signals received by the hoistman, the accuracy of which he has questioned.
3. Any special instructions received involving the safety of persons, such entry to be signed by the hoistman and by the person issuing the instructions.
4. A report of the tests of the overwind and underwind devices.

5. Where the required tests of the overwind and underwind devices are conducted by a hoistman operating on another shift, the hoistman assuming duty shall note over his signature that he has examined the entry in the log book of the hoistman who performed the tests.
  6. A report of all abnormal circumstances in connection with the operation of the hoist or attachments thereto and such abnormal conditions as have come to the hoistman's knowledge in connection with the hoisting operations in the shaft or winze.
  7. A report of all trial trips referred to in sections 359 and 397.
- (2) A notification to the hoistman on a succeeding period <sup>Idem</sup> of duty of any special circumstances or matter affecting the continued operation of the hoist or the safety of persons in the shaft or winze shall be made in the Hoistman's Log Book. 1961-62, c. 81, s. 352 (1, 2).
  - (3) All such entries shall be read and countersigned by <sup>Idem</sup> the hoistman assuming duty for the succeeding period. 1961-62, c. 81, s. 352 (3), *amended*.
  - (4) Such entries as are required by this section shall be <sup>Idem</sup> made and signed by every hoistman for his period of duty on a shaft or winze hoist and the time and duration of his period of duty shall also be noted, and such entries as have been made during the preceding twenty-four hours shall be read and countersigned each day by the master mechanic or other authorized person. 1961-62, c. 81, s. 352 (4).
  - (5) The log book shall be available to the district engineer at all times. *New*.

#### RAISE CLIMBERS

- 405.—(1) Raise climbers shall be fitted with more than <sup>Brakes</sup> one means of braking, each capable of stopping the climber and holding it in place.
- (2) The operator of a raise climber shall ensure at the <sup>Testing of</sup> beginning of his shift that the brakes are in safe <sup>brakes</sup> working condition.
  - (3) Raise climbers shall be maintained in safe operating <sup>Mainten-</sup> condition. <sup>ance</sup>
  - (4) The rated load capacity of a raise climber as certified <sup>Load</sup> by the manufacturer shall not be exceeded. <sup>capacity</sup>

- Log book (5) Where raise climbers are used pursuant to section 263 or subsection 2 of section 375, an approved log book shall be maintained.
- Record kept (6) A record of inspections, maintenance and repairs shall be maintained in the log book.
- Availability to engineer (7) The log book shall be available to the district engineer at all times. 1961-62, c. 81, s. 387, *amended*.

## PITS AND QUARRIES

- Under-mining prohibited 406.—(1) In workings of clay, sand, gravel or other types of unconsolidated material, the method of removing material by undermining shall not be used. 1961-62, c. 81, s. 411 (1).
- Height of working face (2) Where mechanical equipment is not used, no working face in workings of clay, sand, gravel or other types of unconsolidated material shall have a vertical height of more than ten feet unless the material is at a suitable angle to ensure safety. 1961-62, c. 81, s. 411 (2), *amended*.
- Terraces (3) Where the thickness of the material exceeds ten feet in vertical depth, the work shall be done in terraces or at a suitable angle to ensure safety.
- Use of mechanical equipment (4) Where mechanical equipment is used in loading clay, sand, gravel or any other type of unconsolidated material, unless the material is at a suitable angle of repose, no working place shall have a vertical height of more than five feet above the top of the boom or the bottom of the bucket raised to its highest operating position. 1961-62, c. 81, s. 411 (3, 4).
- Use of internal combustion engines (5) No internal combustion engine shall be installed or operated in any pit or quarry unless adequate provision is made to ensure that exhaust gases and fumes will not accumulate therein to a degree that is likely to endanger the safety of any person. *New*.
- Height of face in consolidated material 407. Unless permission in writing is first obtained from the chief engineer, all open-cut (cast) operations (workings) in consolidated material over sixty-five feet in depth shall be worked in benches not more than sixty-five feet high, and due precautions shall be taken to maintain the walls, benches and broken material in a safe working condition, and no working face shall be advanced by undercutting, except where a tunnelling method is used. 1961-62, c. 81, s. 412, *amended*.

408. Every pit or quarry dangerous by reason of its depth shall be securely fenced or otherwise protected against inadvertent access. 1961-62, c. 81, s. 413. Fencing pits and quarries
- 409.—(1) In all open-pit workings, all unconsolidated materials, such as clay, earth, sand, gravel, and loose rock, lying within six feet of the rim of the pit or quarry, shall be removed. Stripping overburden
- (2) Beyond this strip, all overburden shall be sloped to an angle less than its natural angle of repose. 1961-62, c. 81, s. 414. Idem
- 410.—(1) When dumping material from a vehicle to a stockpile, appropriate precautions considering weather and other relevant conditions shall be taken to keep the vehicle at a safe distance from the edge. 1961-62, c. 81, s. 415. Precautions when stock-piling
- (2) Two exits shall be provided from a tunnel under a stockpile. *New.* Exits from tunnels under stockpiles
- 411.—(1) Unless the adjoining owners agree to dispense therewith, in sand, clay or gravel or other natural unconsolidated material, excavation operations shall not be carried on within a distance from the property boundary of half the height of the total pit face, and material that sloughs from within this distance shall not be removed. 1961-62, c. 81, s. 416 (1). Property boundaries, unconsolidated material
- (2) Unless the adjoining owners agree to dispense therewith, no quarrying operation shall be carried on in a rock quarry within a distance of fifteen feet from the property boundary. Idem, rock quarries
- (3) Subject to subsection 2, where there is overburden in a rock quarry, the natural slope of the overburden shall be allowed for from the property boundary in addition to the six feet required by subsection 1 of section 409. 1961-62, c. 81, s. 416 (2, 3), *amended.* Idem
- 412.—(1) No person shall be permitted to work near a pit or quarry wall until the wall has been examined by the supervisor in charge of the crew. Examination of wall
- (2) If the wall is found unsafe, the supervisor shall have all hazards removed before permitting any other work. 1961-62, c. 81, s. 417, *amended.* Idem
413. Derrick guy wires shall be regularly inspected and maintained. 1961-62, c. 81, s. 418. Inspection of derrick guy wires
- 414.—(1) Every person engaged in work on the wall of a pit or quarry at such operations as barring loose Safety belts and safety harnesses

material, scaling or cleaning, shall wear continuously a safety belt or safety harness.

Snubbing,  
etc.

- (2) The rope of such belt or harness shall be securely snubbed above the working place or the rope may be held taut by an adequate number of persons. 1961-62, c. 81, s. 419, *amended*.

Hoisting  
of persons  
prohibited

415. No person shall be lowered or raised or allow himself to be lowered or raised by means of a hoist or derrick at a pit or quarry unless permission is first obtained in writing from the chief engineer. 1961-62, c. 81, s. 420, *amended*.

Signalman  
to clear area

416. Where a load is being hoisted or lowered by means of a hoist or derrick at a pit or quarry, a signalman, where required, shall notify all persons in the vicinity to retire to a place of safety until the load has cleared the danger zone. 1961-62, c. 81, s. 421, *amended*.

Derail at  
top of  
incline

- 417.—(1) An effective block, automatic derail or safety switch shall be provided at the top of each inclined place at a pit or quarry to prevent cars from accidentally running down.

Exception

- (2) Such installation, however, is not required where the skip or car remains attached to the hoisting rope. 1961-62, c. 81, s. 422, *amended*.

Record of  
primary  
blasts

418. At all rock quarries and open pits, a record of each primary blast, signed by the person in charge of the blast, shall be kept and the following information recorded:

1. Date, time and location of the blast.
2. Burden, spacing, depth and number of holes blasted.
3. Weight of explosives or blasting agents, footage of top stemming and firing delay detonators used in respect of each hole.
4. Weight of explosives or blasting agents used per estimated ton broken. 1961-62, c. 81, s. 423, *amended*.

Hoisting  
signals

419. Unless the movement of a hoisting conveyance at a pit or quarry is visible to the hoistman at all times, a suitable signal system shall be installed and maintained, and suitable signals, approved by the district mining engineer, shall be used. 1961-62, c. 81, s. 424, *amended*.

- 420.—(1) At every pit or quarry, there shall be provided and maintained in good working condition a suitable travelling way leading from the working level of the pit or quarry to the surface. 1961-62, c. 81, s. 425 (1), *amended*. <sup>Travelling ways</sup>
- (2) Where the travelling way is inclined at more than 30 degrees and less than 50 degrees to the horizontal, stairways or ladders shall be provided. <sup>Where stairways or ladders mandatory</sup>
- (3) All stairways shall be equipped with substantial and suitably placed hand-rails. 1961-62, c. 81, s. 425 (2, 3). <sup>Hand-rails on stairways</sup>
- (4) Where the travelling way is inclined at more than 50 degrees to the horizontal, ladders shall be provided. 1961-62, c. 81, s. 425 (4), *amended*. <sup>Where ladders mandatory</sup>
- (5) Substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway and at all places where the ladders are off-set. <sup>Platforms</sup>
- (6) Except for approved access ladders to equipment, no ladder shall be installed at an inclination of more than 70 degrees to the horizontal. 1961-62, c. 81, s. 425 (5, 6). <sup>Maximum inclination of ladders</sup>

#### STEAM, COMPRESSED AIR

- 421.—(1) Every steam boiler used for generating steam in or about a mine, whether separate or one of a range, <sup>Steam boilers</sup>
- (a) shall have attached to it a proper safety-valve, steam-gauge and water-gauge to show respectively the pressure of steam and the height of water in each boiler; and
- (b) shall be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months, and a certified copy of the report of the inspection shall be forwarded to the chief engineer. 1961-62, c. 81, s. 452 (1), *amended*.
- (2) The certificate of inspection shall be kept posted in the boiler room at all times. 1961-62, c. 81, s. 452 (2). <sup>Certificate to be posted</sup>
422. Every such boiler, safety-valve, steam-gauge and water-gauge shall be maintained in proper working condition. 1961-62, c. 81, s. 453. <sup>Maintenance</sup>

Air receivers  
and com-  
pressors

423.—(1) Every air receiver installed at the surface of a mine and those installed with an air compressor underground shall be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months, and a certified copy of the report of the inspection shall be forwarded to the chief engineer.

Certificate  
to be  
posted

(2) The certificate of inspection shall be kept posted in the compressor room at all times.

Examina-  
tion and  
mainten-  
ance

(3) All intercoolers, aftercoolers, inlet and discharge valves on stationary compressors in operation shall be examined at least once in every twelve months and shall be cleaned when necessary. 1961-62, c. 81, s. 454 (1-3).

Temper-  
ature-  
indicating  
device

(4) A temperature-indicating device shall be installed on the high pressure discharge of each compressor and the normal operating temperature of the compressor shall be indicated by a red mark on the scale of the device. 1961-62, c. 81, s. 454 (4, 5), *amended*.

Recording  
of tem-  
perature

(5) The temperature shall be observed at regular intervals during the shift and shall be recorded in the compressor log book.

Exception

(6) Subsections 3, 4 and 5 do not apply to,

(a) a compressor discharging to atmosphere;

(b) a compressor installation with a prime-mover having a Therm-hour rating of 1.145 or less;

(c) a compressor plant used for compressing air to a pressure of more than 15 pounds per square inch where the total Therm-hour rating of the prime-mover or movers is 1.908 or less; or

(d) a compressor where the cylinders are not lubricated with oil. 1961-62, c. 81, s. 454 (6, 7), *amended*.

Examina-  
tion of air  
receivers

(7) The air receivers mentioned in subsection 1 shall be examined at least once in every twelve months and shall be cleaned when necessary.

Record of  
examina-  
tions

(8) A book, available to the district engineer, shall be kept in which shall be recorded the date of every examination and cleaning under subsections 3 and 7 and a note shall be made as to the condition of the appliance examined or cleaned. 1961-62, c. 81, s. 454 (8, 9), *amended*.

## PROVISIONS GOVERNING THE USE OF ELECTRICITY

424.—(1) In this section and in sections 425 to 563, governing the use of electricity,

1. “accessible”, as applied to equipment, means <sup>Interpre-</sup> permitting close approach due to not being <sup>tation</sup> guarded by locked doors, elevation or other effective means;
2. “armoured cable” means a cable provided with an outer covering, fabricated from a metal other than lead, which forms an integral part of the assembly of the cable and is designed primarily to afford mechanical protection;
3. “authorized person” means,
  - i. a qualified person who, because of his duties or occupation, is delegated to approach or handle electrical equipment, or
  - ii. any other person who, having been warned of the hazards involved, has been instructed or authorized to approach or handle electrical equipment by some person having authority to give the instructions or authorization;
4. “branch circuit” means the part of a circuit that extends beyond the final over-current devices on the circuit;
5. “circuit” means a path through which electric current can flow;
6. “circuit-breaker” means an electro-mechanical device designed to open, under both overload and short-circuit conditions, a current-carrying circuit without injury to the device;
7. “conductor” means a body so constructed from conducting material that it may be used as a carrier of electric current;

8. "contactor" means a device, operated other than by hand, for repeatedly establishing and interrupting an electric power circuit;
9. "disconnecting means" means a device, group of devices or other means whereby the conductors of a circuit can be disconnected from their source of supply;
10. "electrical equipment" means any apparatus, appliance, device, instrument, fitting, fixture, machinery, material or thing used in or for, or capable of being used in or for, the generation, transformation, transmission, distribution, supply or utilization of electric power or energy, and, without restricting the generality of the foregoing, includes any assemblage or combination of materials or things which is used, or is capable of being used or adapted, to serve or perform any particular purpose or function when connected to an electrical installation, notwithstanding that any such materials or things may be mechanical, metallic or non-electric in origin;
11. "feeder" means a conductor, or group of conductors, which transmits electrical energy from a service supply, transformer, switchboard, distribution centre, generator or other source of supply to branch circuit overcurrent devices;
12. "ground" means a connection to earth obtained by a ground electrode;
13. "ground electrode" means a buried metallic water-piping system or metal object or device buried in or driven into the ground so as to make intimate contact therewith and to which a grounding conductor is electrically and mechanically connected;
14. "grounded" means connected effectively with the general mass of the earth through a grounding system having a current-carrying capacity sufficient at all times, under the most severe conditions that are liable to arise in practice, to prevent a current in the grounding conductor from causing a harmful voltage to exist,

- i. between the grounded conductors and neighbouring exposed conducting surfaces that are in good contact with the earth, or
  - ii. between the grounded conductors and neighbouring surfaces of the earth itself;
- 15. "grounding conductor" means a path of suitable metal specially arranged as a means whereby electrical equipment is electrically connected to a ground electrode;
  - 16. "grounding system" means all conductors, clamps, ground clips, ground plates or pipes and ground electrodes by means of which the electrical installation is grounded;
  - 17. "guarded" means covered, shielded, fenced, enclosed or otherwise protected by means of suitable covers, or casings, barriers, rails or screens, mats or platforms, to remove the likelihood of dangerous contact or approach by persons or objects;
  - 18. "isolating means" means a device, group of devices or other means intended for isolating an electric circuit from its source of power and intended to be operated only after the circuit has been opened by some other means;
  - 19. "mobile", as applied to electrical equipment, means the equipment is specifically designed not to be used in a fixed position;
  - 20. "overcurrent device" means any device capable of automatically opening an electrical circuit both under pre-determined overload and short-circuit conditions either by fusing of metal or by electro-mechanical means;
  - 21. "overload device" means a device affording protection from excess current but not necessarily short-circuit protection, and capable of automatically opening an electric circuit either by the fusing of metal or by electro-mechanical means;
  - 22. "qualified person" means a person familiar with the construction and operation of electrical equipment and the hazards involved;

23. "switch" means a device for making, breaking or changing connections in a circuit, and
  - i. "general use switch" means a switch that is intended for use in general distribution and branch circuits, is rated in amperes and is capable of interrupting its rated current at rated voltage, and
  - ii. "motor circuit switch" means a switch, rated in horsepower, capable of interrupting the maximum operating overload current of a motor of the same horsepower at the rated voltage;
24. "switchboard" means a panel or assembly of panels on which are mounted any combination of switching, measuring, control and protective devices, buses and connections, designed with a view to successfully carrying and rupturing the maximum fault current encountered when controlling incoming and outgoing feeders;
25. "utilization equipment" means equipment, devices and connected wiring that utilize electrical energy for mechanical, chemical, lighting, testing or similar purposes and are not a part of the supply equipment, supply lines or communication lines;
26. "visible break", where applied to a disconnecting means, means a switch or device wherein the separation between all members of the movable and the fixed current-carrying parts may be readily determined by visual inspection;
27. "voltage" or "volts" means the highest effective difference of potential between the conductors of the circuit concerned;
28. "voltage to ground" means,
  - i. in grounded circuits, the highest effective difference of potential between any wire of the circuit and ground,
  - ii. in ungrounded circuits, the highest effective difference of potential existing in the circuit;

29. "wire gauge" means the standard known as A.W.G. (American Wire Gauge) or B. & S. (Brown and Sharpe) wire gauge. 1961-62, c. 81, s. 455.

- (2) Except where a contrary intent is provided, sections 425 to 563 apply to mines, on surface and under-ground, and to plants. *New.* Application of ss. 425-563

#### GENERAL

425. In case of the abandonment of a mine or plant, the owner, agent or manager shall cause the station or stations supplying power to and being the property of the mine or plant to be disconnected from the power source and within fourteen days shall notify the chief engineer in writing that the disconnection has been made. 1961-62, c. 81, s. 456, *amended.* Disconnection when abandoned
- 426.—(1) Electrical equipment shall be designed, installed and maintained in compliance with the requirements of this Part. 1961-62, c. 81, s. 457. Requirements to be observed
- (2) The district electrical-mechanical engineer shall be notified of any proposed, Notification required
- (a) major electrical installation;
  - (b) radio-frequency transmitter installation; or
  - (c) major extension to existing installations. *New.*
427. The edition that is current from time to time of the Canadian Electrical Code, Part I, shall be accepted as good practice in the installation of electrical equipment except where it conflicts with the provisions of this Part in which case the provisions of this Part prevail. 1961-62, c. 81, s. 458, *amended.* Accepted standard
428. All electrical equipment shall be of such construction and so installed and maintained as to reduce fire hazard and injury to persons as far as is practicable. 1961-62, c. 81, s. 459, *amended.* Hazard free
429. All electrical equipment shall be suitably identified where necessary for safety. 1961-62, c. 81, s. 460. Identification of equipment
430. Electrical equipment shall show a plate bearing the maker's name and all other ratings, such as horsepower, voltage or current, necessary to prove its suitability. 1961-62, c. 81, s. 461. Nameplate required

- Competent person in charge 431.—(1) Where electrical equipment is used at a mine or plant, it shall be in the charge of an authorized person who shall be qualified by experience to handle such equipment. 1961-62, c. 81, s. 462 (1), *amended*.
- Idem (2) Every person operating or having charge of electrical equipment shall have been instructed in his duty and shall be competent to perform the work that he is set to do.
- Idem (3) Repairs, extensions and changes to existing electrical installations shall be made only by qualified persons. 1961-62, c. 81, s. 462 (2, 3).
- Temporary installations 432. Temporary wiring and equipment that do not comply with this Part may be used in an emergency, but only when under competent supervision or protected by suitable barriers or warning signs while it or neighbouring wiring is alive and accessible to unauthorized persons, and such temporary installations are permissible only for the period of the emergency. 1961-62, c. 81, s. 463, *amended*.
- Defective equipment 433.—(1) Defective equipment shall be put in good order or permanently disconnected.
- Defective wiring (2) Defective wiring shall be repaired or removed. 1961-62, c. 81, s. 464.
- Repairs or alterations to electrical equipment 434.—(1) No repairs or alterations shall be carried out on live equipment except where complete disconnection of the equipment is not practicable.
- Idem (2) When repairs or alterations are being made, whether the equipment is alive or dead, all necessary precautions shall be taken to ensure that the work may be done safely.
- Idem (3) In places where explosive or highly flammable materials or gases are present, or in wet locations, repairs or alterations shall not be made on live equipment. 1961-62, c. 81, s. 465, *amended*.
- Locking or tagging switches 435.—(1) All switches controlling electrical equipment shall be locked or plainly tagged in the open position to prevent the inadvertent closing thereof while work is being done on the apparatus.
- Idem (2) Notices placed on electrical equipment shall be of non-conducting materials. 1961-62, c. 81, s. 466.

- 436.—(1) Where installed electrical equipment presents a fire hazard, each room or space shall be provided with an adequate approved fire-extinguishing appliance, conveniently located and conspicuously marked. Fire-extinguishing appliances
- (2) Any fire-extinguishing appliance that has not been approved for use on live parts shall not be placed in a room containing electrical equipment or exposed lines unless a sign is mounted at the appliance warning against its use on electrical fires. 1961-62, c. 81, s. 467. Idem

## GROUNDING

437. Grounding conductors shall have adequate protection where exposed to mechanical injury. 1961-62, c. 81, s. 468. Protection from mechanical injury
- 438.—(1) One conductor of all circuits not over 150 volts shall be grounded if exposed to leakage from higher voltage circuits either through overhead construction or through transformers having a primary voltage exceeding 750 volts, except where such circuits form part of a control circuit or signalling system the grounding of which would affect the reliability of service. Circuits to be grounded
- (2) Three-wire single-phase circuits not exceeding 300 volts between outer conductors shall have the neutral grounded. Idem
- (3) One conductor of the secondary circuits of all instrument transformers shall be grounded unless the circuits are installed and guarded as required for the high-voltage circuits of the transformers. 1961-62, c. 81, s. 469. Idem
- 439.—(1) For grounding a.c. circuits, the grounding conductors shall have adequate current-carrying capacity and shall be not less than No. 8, A.W.G. Size of circuit grounding conductor
- (2) The grounding conductor for secondary circuits of instrument transformers shall not be smaller than the conductors of the secondary circuit. 1961-62, c. 81, s. 470. Idem
- 440.—(1) The exposed non-current-carrying metal parts of all electrical equipment shall be grounded when practicable, Equipment to be grounded

(a) for all equipment over 150 volts; and

(b)

(b) for all equipment under 150 volts where the exposed non-current-carrying metal parts are within reach of exposed grounded surfaces, such as metal frames of other machines, plumbing fixtures, conducting floors or walls.

Idem

(2) Grounded surfaces within five feet horizontally of the parts considered or within eight feet vertically of the floor shall be considered within reach. 1961-62, c. 81, s. 471.

Size of equipment grounding conductor

441.—(1) The minimum size of grounding conductor for raceways and fixed equipment shall be not less than that provided by a copper conductor of a size indicated in the following table:

MINIMUM SIZE OF GROUNDING CONDUCTOR FOR RACEWAYS AND EQUIPMENT

Rating or Setting of Automatic Overcurrent Device in Circuit Ahead of Equipment, Conduit, etc., Not exceeding— Amperes	Size of Grounding Conductor			
	Copper Wire AWG	Alum. Wire AWG	Conduit or Pipe Inch	Electrical Metallic Tubing Inch
20	16*	14*	1/2	1/2
30	14	12	1/2	1/2
40	12	10	1/2	1/2
60	10	8	1/2	1/2
100	8	6	1/2	1/2
200	6	4	1/2	1
400	4	2	3/4	1 1/4
600	2	0	3/4	1 1/4
800	0	00	1	2
1000	00	000	1	2
1200	000	0000	1	2

\*Permissible only when part of an approved cable assembly.

Idem

(2) Where the grounding conductor is run outside the cable armour or conduit enclosing the associated circuit conductors, the minimum size of such a grounding conductor shall be No. 8, A.W.G. 1961-62, c. 81, s. 472.

Grounding conductor size for portable equipment

442. Flexible cord used to supply portable equipment having a rating of fifteen amperes or less at voltages not exceeding 250 volts shall have included in the cord assembly a grounding conductor whose size shall be,

(a) not smaller than No. 16, A.W.G. if uninsulated, or No. 18, A.W.G. if insulated; and

(b)

- (b) at least the same size as the current-carrying conductors, except that, in cords of No. 12, A.W.G. and larger, it may be two A.W.G. sizes smaller than the other conductors. 1961-62, c. 81, s. 473.
443. The grounding conductor, bond or bonding jumper shall be attached to circuits, conduits, cabinets, equipment and the like, which are to be grounded, by means of suitable lugs, pressure connectors, clamps or other approved means. 1961-62, c. 81, s. 474. Means of attachment to circuits and equipment
444. The grounding conductor shall be of copper or other metal that will not corrode excessively under the existing conditions. 1961-62, c. 81, s. 475. Material for grounding conductors
- 445.—(1) Ground connections to metallic water or air systems shall be made beyond any point liable to disconnection. Piping system used as ground
- (2) Main water or air lines shall be substantially bonded together for this purpose, but shall, unless connected to a buried piping system of considerable extent that will provide a low-resistance ground, be connected to an artificial ground electrode. 1961-62, c. 81, s. 476. Idem
446. The grounding conductor shall be connected to the grounding electrode by means of a substantial ground clamp or other equivalent means. 1961-62, c. 81, s. 477. Means of attachment to ground electrode
- 447.—(1) Artificial ground electrodes shall consist of driven pipes, rods, buried plates or other devices acceptable for the purpose. Artificial electrodes
- (2) Electrodes of iron or steel pipe shall be not less than  $\frac{3}{4}$ -inch internal diameter and shall be galvanized. Idem
- (3) Rod electrodes shall be not less than  $\frac{5}{8}$ -inch in diameter if of iron or steel or  $\frac{1}{2}$ -inch in diameter if of non-ferrous metal. 1961-62, c. 81, s. 478. Idem
448. The grounding system shall be connected to the body of the earth, on the surface, through an earth-contact resistance acceptable to the district electrical-mechanical engineer. 1961-62, c. 81, s. 479, *amended*. Resistance of electrodes

Resistance  
measure-  
ment

449. The earth-contact of the main grounding system and supplementary earth-contacts shall be provided with means to facilitate measurement of earth-contact resistances. 1961-62, c. 81, s. 480.

## WIRING METHODS

Types of  
conductors

450. Conductors shall be suitable for the location, use and voltage of the circuit and shall have sufficient current-carrying capacity for the current they are required to carry. 1961-62, c. 81, s. 481.

Portable  
power  
conductors

451. Portable conductors supplying mobile equipment operating at more than 300 volts shall conform with the following specifications:

1. The cable shall have a voltage rating not less than 50 per cent higher than the normal operating voltage of the circuit.
2. Cable of standard rating for the normal operating voltage may be used where the cable is supplied through a circuit-breaker from a circuit where the neutral point is grounded in such a manner as to,
  - i. limit ground fault current, and
  - ii. limit the possible rise of ground fault potential on any connected equipment to a maximum of 100 volts,

and where ground fault protection is provided.

3. All conductors including grounding conductors shall be contained in one flexible, jacketed cable assembly.
4. Where the cable contains both the power circuit and its remote control circuit, each circuit conductor shall be insulated, as required by paragraphs 1 and 2, for the highest potential employed in the cable, except that, where sheathing, as in paragraph 10, is provided, the control conductors need only be insulated for their normal operating voltage.
5. The minimum size of the power conductors shall be No. 12, A.W.G.

6. The cable shall contain as many grounding conductors as power conductors and the grounding conductors shall be located in the outer interstices between the power conductors.
  7. Remote control conductors contained in the cable need not be considered power conductors in determining the number of grounding conductors.
  8. The grounding conductors contained in the cable shall be uninsulated and shall have a total conductance of not less than 60 per cent of the largest power conductor.
  9. The minimum size of each grounding conductor shall be not less than No. 12, A.W.G.
  10. Cables on circuits operating over 750 volts shall have a grounded sheathing, consisting of tinned copper wire mesh, or the equivalent, around each power conductor, and this sheathing shall be, throughout the length of the cable, in contact with the interstitial grounding conductors.
  11. Where connectors are used to attach cables to mobile equipment, the cable shall be secured in such a manner as to prevent mechanical damage.
  12. Portable cable used to supply equipment in underground workings shall have an outer jacket of a material that will not support combustion and shall be continuously identified as having such a jacket. 1961-62, c. 81, s. 482, *amended*.
- 452.—(1) All exposed current-carrying parts of electrical equipment, such as bus-bars, conductors and terminals, operating at over 150 volts, shall be, <sup>Guarding of live parts</sup>
- (a) armoured;
  - (b) enclosed in a suitable raceway; or
  - (c) isolated by elevation or guarded. 1961-62, c. 81, s. 483.
- (2) Except in cases of emergency, open wiring shall not <sup>Open wiring</sup> be used. 1961-62, c. 81, s. 578.

A.C. circuits  
in raceways

453. All conductors of an a.c. circuit shall be contained in the same raceway. 1961-62, c. 81, s. 484.

Conductors  
of different  
systems in  
raceways or  
armouring

454. Where conductors of different systems are installed in the same raceway or armouring, each conductor shall be insulated for the highest potential employed or, in the case of a raceway, separated by a suitable barrier. 1961-62, c. 81, s. 485.

Conductors  
of different  
systems in  
enclosures

455. Conductors of different systems shall not be installed in the same box, cabinet or auxiliary gutter unless effectively separated by barriers. 1961-62, c. 81, s. 486.

Barriers

456. Identifying barriers shall be provided between circuits where more than one set of single-pole, blade-type isolating switches are installed adjacent to each other. 1961-62, c. 81, s. 487, *amended*.

Connections  
to  
apparatus

457. Metal-covered and insulated conductors in conduit, where joined to transformers, motors, switchgear and other electrical equipment, shall have their metal coverings secured to such equipment by clamps, lock-nuts or other devices to protect the insulated conductors from mechanical injury. 1961-62, c. 81, s. 488.

#### PROTECTION AND CONTROL

Type and  
rating of  
protective  
and control  
devices  
Idem

458.—(1) The type and rating of protective and control devices shall be suitable for their use.

(2) All protective and control devices installed outdoors shall be of a design suitable for their location. 1961-62, c. 81, s. 489.

Overcurrent  
devices  
required

459.—(1) Each ungrounded conductor shall be protected by an overcurrent device at the point where it receives its supply of current and at each point where the size of the conductor is decreased, except that such protection may be omitted,

(a) where the branch circuit is not more than twenty-five feet in length;

(b) where the protection for a larger conductor adequately protects a smaller; and

(c) where the opening of the circuit may cause special hazard by the interruption of service or removal of protection.

- (2) The rating or setting of the protective device shall <sup>Idem</sup> not exceed the allowable current-carrying capacity of the circuit conductors except in the case of branch motor circuits where the rating or setting of the device may be increased sufficiently to take care of motor-starting currents.
- (3) Unless the opening of the device disconnects all <sup>Idem</sup> circuit conductors at the same time, no manually-operated or automatically-operated disconnecting device shall be placed in a neutral or grounded conductor. 1961-62, c. 81, s. 490.
460. Overcurrent devices shall be enclosed in cut-out boxes or cabinets unless they form a part of an approved assembly that affords equivalent protection or unless mounted on switchboards, panel-boards, or controllers located in rooms or enclosures free from easily ignitable material and dampness, and accessible only to authorized persons. 1961-62, c. 81, s. 491. <sup>Enclosure of overcurrent devices</sup>
- 461.—(1) Suitable control devices shall be inserted in all feeders and branch circuits. <sup>Control devices, general</sup>
- (2) All control devices shall be readily and safely accessible to authorized persons and shall be so located, labelled or marked as to afford means of identifying circuits or equipment supplied through them and shall indicate whether they are open or closed. 1961-62, c. 81, s. 492. <sup>Idem</sup>
- 462.—(1) Control devices shall have ratings suitable for the connected load of the circuits they control and, with the exception of isolating switches, shall be capable of interrupting such loads. <sup>Rating of control devices</sup>
- (2) Control devices shall be grouped where practicable. <sup>Grouping of control devices</sup>
- (3) All control devices shall be so arranged that the operating mechanisms are readily accessible to the operator. 1961-62, c. 81, s. 493. <sup>Location of control devices</sup>
- 463.—(1) Control devices, unless they are located or guarded so as to render them inaccessible to unauthorized persons and to prevent fire hazards, shall have all current-carrying parts in enclosures of metal or other fire-resisting material. <sup>Enclosure of control devices</sup>
- (2) Manually-operable control devices shall be so constructed that they may be switched to the "off" position without exposing live parts. <sup>Idem</sup>

- Idem (3) Manually-operable control devices shall clearly indicate the "on" and "off" positions. 1961-62, c. 81, s. 494.
- Connection of control devices 464. Control devices shall, if practicable, be so connected that the blades or moving contacts will be dead when the device is in the open position. 1961-62, c. 81, s. 495.
- Control devices ahead of overcurrent devices 465. Control devices used in combination with overcurrent devices or overload devices for the control of electrical equipment shall be connected so that the overcurrent or overload devices will be dead when the control device is in the open position. 1961-62, c. 81, s. 496.
- Visible break requirement 466.—(1) Disconnecting means of the visible-break type shall be installed on all circuits operating at over 300 volts to ground and shall be as near as is practicable to the point of supply.
- Idem (2) Unless a control device on circuits over 300 volts makes a visible break, there shall be installed between the control device and its point of supply a suitable disconnecting switch. 1961-62, c. 81, s. 497.
- Ground fault detector requirement 467.—(1) On each ungrounded utilization system over 300 volts, at least one suitable device shall be installed and maintained for the purpose of indicating ground faults.
- Idem (2) Such device shall be provided with,  
(a) short-circuit protection; and  
(b) disconnecting means. 1961-62, c. 81, s. 498 (1, 2).
- Idem (3) When a ground fault is indicated, it shall be located and removed as soon as is practicable. 1961-62, c. 81, s. 498 (4).
- Illumination of equipment 468. Adequate illumination shall be provided to allow for proper operation of electrical equipment. 1961-62, c. 81, s. 499.
- Emergency illumination of equipment 469. Where electrical equipment requires an attendant, there shall be provided a separate emergency source of illumination from an independent generator, storage battery or other suitable source. 1961-62, c. 81, s. 500.

## INSTALLATION OF EQUIPMENT

470. Adequate clear working space with secure footing <sup>Working space</sup> shall be provided about all electrical equipment. 1961-62, c. 81, s. 501.

## TRANSFORMERS

471. Transformers shall be of a type and design suitable <sup>General</sup> for the location in which they are to be installed. 1961-62, c. 81, s. 502.
472. Each transformer shall be provided with a name-plate bearing the following markings: <sup>Nameplate required for transformers</sup>
1. Maker's name.
  2. Rating in kva.
  3. Rated full load temperature rise.
  4. Primary and secondary voltage ratings.
  5. Frequency in cycles per second.
  6. Liquid capacity, if of the liquid-filled type.
  7. Type of liquid to be used, if it is to be filled with an approved liquid that will not burn in air. 1961-62, c. 81, s. 503.
  8. Percentage impedance voltage, if of the power or distribution type. *New.*
473. Transformers having a voltage rating in excess of 750 volts and all transformers having exposed terminals, including their conductors and control and protective devices, shall be accessible only to authorized persons and, unless isolated by elevation, they shall be surrounded by an enclosure that, if of metal, shall be grounded, and suitable warning signs indicating the highest potential employed shall be conspicuously posted. 1961-62, c. 81, s. 504. <sup>Isolation and guarding of transformers</sup>
- 474.—(1) Dry-core type transformers with Class A insulation, if installed within a building not of fire-resistive construction, shall be in a fire-resistive enclosure. <sup>Special trans-formers</sup>
- (2) Transformers containing an approved liquid that will not burn in air and transformers of the dry-core type with Class B or Class C insulation may be installed within or attached to the wall of a building not of fire-resistive construction, if they are surrounded by a suitable enclosure to prevent mechanical injury and access by unauthorized persons. <sup>Idem</sup> 1961-62, c. 81, s. 505.

Liquid-  
filled trans-  
formers

475.—(1) Oil-filled transformers installed outdoors shall be located not less than fifty feet distant from the shafthouse or any combustible building attached thereto, and means shall be provided to contain escaping oil or to direct the flow away from such buildings.

Idem

(2) Oil-filled transformers shall not be mounted on or above combustible roofs and, if attached to the exterior of a building other than a transformer-house, shall be placed only against non-combustible walls and away from all openings.

Idem

(3) Transformer buildings containing oil-filled transformers, if not entirely of fire-resistive construction, shall be located at least fifty feet distant from any other combustible building.

Idem

(4) Oil-filled transformers, if within a building other than a transformer-house, shall be in a vault.

Idem

(5) Transformers having their cores immersed in a liquid that will not burn in air may be installed without a vault if,

(a) the transformer is protected from mechanical damage either by location or guarding;

(b) a pressure relief vent is provided where the rating exceeds 25 kva at 25 cycles or  $37\frac{1}{2}$  kva at 60 cycles; and

(c) a means of absorbing gases generated by arcing inside the case, or a pressure relief vent connected to outdoors, is provided where the transformer is installed in a poorly-ventilated section. 1961-62, c. 81, s. 506.

Instrument  
trans-  
formers

476.—(1) When primaries are above 750 volts, secondary circuits of current and potential transformers, unless otherwise adequately protected from injury or contact with persons, shall be in permanently-grounded conduit or armour.

Idem

(2) Secondary circuits of current transformers shall be provided with means for short-circuiting them that can be readily connected while the primary is energized and that are so arranged as to permit the removal of any instrument or other device from the circuits without opening the circuits. 1961-62, c. 81, s. 507.

477. Each transformer or each bank of transformers operating as a unit shall have overcurrent protection. 1961-62, c. 81, s. 508. Overcurrent protection for transformers
- 478.—(1) Control and protective devices, complying with one of the following, shall be installed for all power and distribution transformers: Control and protection requirements
- (a) Circuit-breakers of adequate interrupting capacity and rating.
  - (b) Fuses of adequate rating and interrupting capacity preceded by suitable group-operated visible-break load-interrupting devices capable of making and interrupting their full load rating and that may be closed with safety to the operator with a fault on the system.
  - (c) Fuses of adequate rating and interrupting capacity preceded by a group-operated visible-break air-break switch capable of interrupting the magnetizing current of the transformer installation and that may be closed with safety to the operator with a fault on the system and so interlocked with the transformer secondary load interrupters as to prevent its operation under load.
- (2) Where the transformer rating does not exceed 100 Idem kva per phase and the potential between phases does not exceed 7,500 volts, a single-pole disconnecting fuse of adequate interrupting capacity may be used on the primary. 1961-62, c. 81, s. 509.

#### SWITCHBOARDS AND SWITCHGEAR

479. Panels of switchboards shall be of incombustible material and shall be substantially supported on a metal framework. 1961-62, c. 81, s. 510. General
480. Adequate illumination shall be provided for reading instruments and other operations. 1961-62, c. 81, s. 511. Illumination of switchboards
481. Switchgear, if not of the dead-front or enclosed type, and live parts on the rear of dead-front switchboards shall be inaccessible to unauthorized persons. 1961-62, c. 81, s. 512. Location of switchgear

Clearance  
back of  
switchboard

482.—(1) There shall be a space of not less than three feet between equipment on the back of a fixed switchboard and the nearest adjacent wall when such equipment is less than seven feet from the floor.

Ingress and  
egress

(2) Ready means for ingress and egress to the space behind the switchboard shall be provided.

Doors, etc.

(3) Doors or gates of suitable material may be provided at such points for guarding-purposes but they shall be capable of being readily opened from the inside without the use of a key or tool.

Space to be  
kept clear

(4) The space behind the switchboard shall be kept clear of foreign material and shall not be used for storage purposes. 1961-62, c. 81, s. 513.

#### TRANSMISSION LINES

General

483. All electrical supply lines and equipment shall be of suitable design and construction for the service and the conditions under which they are to be operated, and all lines shall be so installed and maintained as to reduce fire hazard and injury to persons as far as is practicable. 1961-62, c. 81, s. 514.

Isolation  
and  
guarding

484. Conductors and other current-carrying parts of supply lines shall be so arranged as to provide adequate clearance from the ground or other space generally accessible or shall be provided with guards so as to isolate them effectively from accidental contact of persons. 1961-62, c. 81, s. 515.

Entrance to  
buildings

485. Where conductors over 300 volts are attached to any building for entrance, they shall be isolated by elevation or guarded. 1961-62, c. 81, s. 516.

Clearance  
over  
railways

486.—(1) Supply lines carried over railways operated by steam, electric or other motive power and on which standard equipment, such as freight cars, is used, shall have the style of construction and the clearances overhead as called for in the Uniform Code of Operating Rules prescribed by the Transport Commissioners for Canada.

Idem

(2) Supply lines crossing over railways on which standard equipment is not used and lines crossing over roadways shall have ample clearance for the operating conditions and shall be substantially supported. 1961-62, c. 81, s. 517. *amended.*

## STORAGE BATTERIES

487. Storage batteries shall be kept in inaccessible battery rooms or enclosures used for no other purpose where, Location of storage batteries
- (a) the aggregate capacity at the eight-hour discharge rate exceeds five kilowatt hours; and
  - (b) the batteries are in open jars or tanks. 1961-62, c. 81, s. 518.
- 488.—(1) Storage battery rooms shall be thoroughly ventilated. Ventilation of battery rooms
- (2) Adequate means shall be provided for sufficient Idem diffusion and ventilation of the gases from the battery to prevent the accumulation of an explosive mixture. 1961-62, c. 81, s. 519.

## LIGHTNING ARRESTERS

489. Where lightning arresters are installed in a building, they shall be located well away from all equipment, other than that which they protect, and from passageways and combustible parts of buildings. Indoor installation of lightning arresters  
1961-62, c. 81, s. 520.
490. Lightning arresters installed for the protection of utilization equipment, Location of lightning arresters
- (a) may be installed either inside or outside the building or enclosure containing the equipment to be protected; and
  - (b) shall be isolated by elevation or guarded. 1961-62, c. 81, s. 521.
- 491.—(1) All non-current-carrying parts of lightning arresters shall be grounded, unless effectively isolated by elevation or guarded as required for live parts of the voltage of the circuit to which the arrester is connected. Grounding
- (2) Grounding conductors for lightning arresters on power transmission systems shall be run as directly as possible and be of low resistance and ample capacity. Idem
- (3) In no case shall such grounding conductors be less than No. 6 copper wire, nor shall such grounding conductors pass through metal conduits unless electrically connected to both ends of the conduits. Idem  
1961-62, c. 81, s. 522.

## MOTORS

Control  
required

492. All motors shall be provided with approved starting and control equipment. 1961-62, c. 81, s. 523, *amended*.

Interlocking  
motor  
circuits

493. Where it is desired to interlock one motor control circuit with a second motor controller,

(a) the supply or control conductors of one motor branch circuit shall not be run through or connected into the enclosure of a second motor controller unless such conductor or conductors are opened and de-energized by the disconnecting means of the second motor branch circuit; or

(b) a suitable relay may be interposed between the two controllers and located externally to both controllers. *New*.

Visible-  
break  
requirement

494. In all cases, the motor-circuit switch, general-use switch or isolating switch shall be of the visible-break type. 1961-62, c. 81, s. 525.

Discon-  
necting  
means  
required

495. Every motor and its starting and control equipment shall be provided with a disconnecting means which will open all ungrounded conductors to the motor and which conforms to one of the following:

1. An approved attachment plug and receptacle may serve as disconnecting means for a portable motor.
2. An isolating switch or a general use switch may be used as a disconnecting means for motors of more than 50 horsepower.
3. In all other cases the disconnecting means shall consist of a motor circuit switch, a circuit breaker, or equivalent approved device capable of safely establishing and interrupting the stalled rotor current of the motor. *New*.

Rating of  
discon-  
necting  
means

496. The disconnecting means shall have a rating not less than the following:

1. A motor circuit switch for a single motor shall have a horsepower rating, not less than that of the motor it serves.

2. A circuit breaker or isolating switch for a single motor shall have a current rating not less than 115 per cent of the full load current rating of the motor it serves.
  3. A fused motor circuit switch serving a group of motors under the protection of a single set of fuses need not have a rating greater than that required to accommodate the proper size of fuse.
  4. An unfused motor circuit switch serving a group of motors under the protection of a single set of fuses need not have a rating greater than that required if a fused switch were used.
  5. A disconnecting means serving a group of motors on a single circuit shall have,
    - i. a horsepower rating not less than that of the largest motor in the group, if a motor circuit switch is used, and
    - ii. a current rating not less than 115 per cent of the full load current rating of the largest motor in the group plus the sum of the full load current ratings of all the other motors in the group which may be in operation at the same time.*New.*
497. Motors shall be disconnected from the source of supply in case of low voltage by one of the following means unless it is evident that no hazard will be incurred through the lack of such disconnection: Under-voltage protection required
1. Where automatic restarting is liable to create a hazard, the motor control device shall provide low-voltage protection.
  2. Where it is necessary or desirable that a motor stop on failure or reduction of voltage and automatically restart on return of voltage, the motor control device shall provide low-voltage release. 1961-62, c. 81, s. 528, *amended.*
498. Each motor shall be suitably protected against continuous overload. Overload protection required

## CRANES, SHOVELS AND OTHER SIMILAR MACHINERY

Guarding  
and  
isolation

499.—(1) Crane collector wires shall be isolated by elevation and, where necessary, guarded.

Discon-  
necting  
means

(2) Suitable means that will disconnect all ungrounded conductors of the circuit supplying a crane, as defined in subsection 1 of section 249, shall be,

- (a) provided within sight of the main contact conductors or within sight of the equipment if there are no main contact conductors; and
- (b) accessible and operable from the ground or the floor over which the equipment operates;
- (c) a circuit breaker or switch, capable of interrupting the circuit under heavy loads, shall be installed in the cab unless the current collector can be safely removed, under heavy loads, from the crane collector wires. 1961-62, c. 81, s. 530, *amended*.

Switch  
required  
in cab

(3) A circuit-breaker or switch, capable of interrupting the circuit under heavy loads, shall be installed in the cab unless the current collector can be safely removed, under heavy loads, from the crane collector wires. 1961-62, c. 81, s. 531.

Protection  
from  
overhead  
lines

500. Where it is necessary to operate shovels or other similar machinery having a mast or movable boom near exposed electrical conductors, a clearance equal to not less than one-half the maximum horizontal reach of the machine shall be maintained unless,

- (a) the conductors are disconnected from the electrical supply and permission to work on the conductors has been authorized; or
- (b) the conductors are first given adequate mechanical protection by the electrical authority involved, to prevent contact by the machine, its attachments or load; or
- (c) the work involves the conductors and is being carried out by a qualified person using a machine with an insulated boom designed, built and tested for use on electrical potentials at least as high as that of the conductors involved; or
- (d) special permission has been obtained from the district electrical-mechanical engineer and under such conditions and precautions as he may require. *New*.

## TROLLEY WIRES

501. Trolley lines shall be isolated by elevation and, where necessary, guarded. 1961-62, c. 81, s. 532. Guarding and isolation
502. In underground workings, trolley lines shall, Requirements for trolley lines underground
- (a) be isolated by an elevation of not less than six feet;
  - (b) operate at a potential not exceeding 300 volts to ground;
  - (c) be effectively guarded. 1961-62, c. 81, s. 533.

## LIGHTING

503. The operating voltage of a lighting circuit shall not exceed 300 volts and the voltage to ground of a conductor shall not exceed 150 volts, but this section does not apply in the case of electric locomotives and cranes using direct current. 1961-62, c. 81, s. 534. Maximum operating voltage
504. The neutral conductor on lighting circuits shall be identified by a white braid covering or other equivalent means. 1961-62, c. 81, s. 535. Neutral identification
505. Portable lamps shall have their sockets enclosed in suitably-insulated handles through which the conductors shall be carried and shall have a protective cage that encloses the lamp. 1961-62, c. 81, s. 536. Portable hand lamps

WIRING IN EXPLOSIVES AND BLASTING  
AGENTS STORAGES

506. All electrical wiring in explosives or blasting agents magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses, shall be installed in rigid conduit with screwed water-tight joints or shall be armoured, moisture-proof cable. 1961-62, c. 81, s. 537. General
507. All conduit, armour, fittings and fixtures shall be permanently grounded. 1961-62, c. 81, s. 538. Grounding
508. The switches and fuses for lighting, heating or telephone circuits for explosives or blasting agents magazines, thaw houses, detonator or blasting cap storage buildings and cap and fuse houses shall be in a fire-resistive cabinet located outside the compartment in which explosives, blasting agents, fuses or detonators, or blasting caps, are stored. 1961-62, c. 81, s. 539. Location of control and protection

Type of  
lighting  
fixtures  
required

509. Lighting fixtures shall be of an approved dust-tight type. 1961-62, c. 81, s. 540.

Overcurrent  
protection  
for lighting  
circuits

510. Lighting circuits shall be protected by fuses or manual reset overcurrent devices rated at not more than 10 amperes. 1961-62, c. 81, s. 541, *amended*.

Lightning  
protection

511. Circuits supplying power to explosives or blasting agents storages shall be protected against lightning surges. 1961-62, c. 81, s. 542.

Type of  
heating  
required

512. Heating systems for explosives or blasting agent storages or cap and fuse houses shall be of a type acceptable to the district electrical-mechanical engineer. 1961-62, c. 81, s. 543, *amended*.

Radiators  
to be  
grounded

513. Where a liquid is the medium used for distribution of heat for an explosive or blasting agent storage or a cap and fuse house the radiators shall be grounded. 1961-62, c. 81, s. 544, *amended*.

Fusing of  
heater  
circuits

514. Heater circuits shall be fused at not more than 125 per cent of normal current. 1961-62, c. 81, s. 545.

#### ELECTRIC BLASTING DEVICES

Construc-  
tion

515. The firing device used for firing charges with electricity in accordance with subsection 7 of section 310 shall be so arranged that,

- (a) the switch mechanism will automatically return by gravity to the open position;
- (b) the live side of such device is installed in a fixed locked box and shall be accessible only to the authorized blaster;
- (c) provision is made that the leads to the face are short-circuited when the contacts of the electric blasting device are in the open position;
- (d) the box in which the electric blasting device and the short-circuiting device are mounted is provided with a lock and the door is so arranged that it cannot be closed or locked unless the contacts of the electric blasting device are open and the short-circuiting device is in place;
- (e) where electricity from 550-volt circuits is used for blasting, the device shall be electromagnetically operated, except as provided in subsection 7 of section 310.

516. When blasting cables or wires are installed in the vicinity of power or lighting cables, proper precautions shall be taken to prevent the blasting cables or wires coming in contact with the lighting or power cables. 1961-62, c. 81, s. 547. Precautions re installation of blasting cables
517. Circuits used for blasting from any source other than hand-held portable blasting devices shall be from an isolated, ungrounded power source and shall be used for blasting only. 1961-62, c. 81, s. 548, *amended*. Isolated, ungrounded power source

## ELECTRIC HOISTS

518. Sections 519 to 544 apply to all electric hoists regardless of the method of operation. 1961-62, c. 81, s. 549. General
- 519.—(1) For each electric hoist, protective devices shall be provided, which, in conjunction with the mechanical braking system, shall be capable of bringing a conveyance or counterbalance safely to rest under all conditions of authorized loading, direction of travel and speed without assistance from the drive. Braking
- (2) Where supplementary electrical braking is employed, at least the same degree of safety shall be supplied. 1961-62, c. 81, s. 550. Idem
520. Except where otherwise specified, current-carrying parts of any safety device shall be so designed, installed and maintained that the failure of any such part will initiate emergency braking action to bring the hoist safely to rest. 1961-62, c. 81, s. 551. Safety requirement
521. Devices shall be installed in each hoisting compartment that, in the event of an overwound conveyance or counterbalance, shall be operated directly by the conveyance or counterbalance to initiate an emergency stop and bring the conveyance or counterbalance to rest safely before it or its rope attachments reach any obstruction to its free passage. 1961-62, c. 81, s. 552. Track limits required for overwind protection
522. Devices shall be installed for each hoisting compartment that, in the event of an underwound conveyance or counterbalance, shall initiate an emergency stop and bring the conveyance or counterbalance to rest safely before it or its rope attachments reach any obstruction to its free passage, except that, in the case of shaft sinking the protection for an underwound conveyance or counterbalance may be dispensed with. 1961-62, c. 81, s. 553. Underwind protection required

Overwind  
and  
underwind  
require-  
ments for  
high-speed  
hoists

523. Devices, driven from the operating drum or drums, shall be installed, where the hoist operates at a rope speed of 750 feet per minute or greater, that, in the event of an overwound or underwound conveyance or counterbalance, will initiate an emergency stop and bring the conveyance or counterbalance to rest safely before it or its rope attachments meet any obstruction to its free passage, except that, in the case of shaft sinking the protection for an underwound conveyance or counterbalance may be dispensed with. 1961-62, c. 81, s. 554.

Overspeed

524. Each electric hoist shall have installed a device that will initiate an emergency stop and bring the conveyance or counterbalance to rest safely should the rope speed exceed the authorized maximum by a predetermined amount. 1961-62, c. 81, s. 555.

Enforced  
slowdown

525. Devices, driven from the operating drum or drums, shall be installed where the hoist operates at a rope speed of 750 feet per minute or greater, that will enforce any necessary reduction in speed as the conveyance approaches the end of travel. 1961-62, c. 81, s. 556.

Adjustment  
of protec-  
tive devices

526. No person shall alter the adjustment of any protective device without proper authority. 1961-62, c. 81, s. 557.

Inter-  
mediate  
obstructions

527.—(1) Where ore or waste dumps, loading boxes or spill-doors are installed in a shaft or winze at points other than the upper and lower limits of normal travel of a conveyance and where any part of such dump box or door interferes with the free passage of a conveyance, there shall be installed,

(a) travel-limiting devices;

(b) travel-limiting devices as required to section 523, where applicable;

(c) enforced slow-down devices as required by section 525, where applicable; and

(d) positive locking devices for maintaining such obstructions out of the operating position in the shaft or winze.

Idem

(2) The manager, or his agent, of a mine employing such an intermediate obstruction shall provide a procedure to be followed to ensure the safe operation of the installation.

- (3) Before such an installation is made, plans and procedure shall be submitted to the chief engineer for approval. 1961-62, c. 81, s. 558. <sup>Idem</sup>
528. Emergency braking action shall be initiated to bring a conveyance or counterbalance to rest safely before it or its rope attachments reach any obstruction to its free passage in the event of, <sup>Protection required for hoist electrical system</sup>
- (a) the failure of the power supply to the hoist electric system;
  - (b) an overload on the hoist-drive motors of a magnitude and duration exceeding what would be considered an operating overload; or
  - (c) a short-circuit on the hoist electric system. 1961-62, c. 81, s. 559.
- 529.—(1) Every electric hoist shall have installed a device to enable a conveyance or counterbalance to be removed from an overwound or underwound position. <sup>Backout</sup>
- (2) Every such device shall be manually operable only. 1961-62, c. 81, s. 560. <sup>Idem</sup>
- (3) Every such device shall be so designed and installed that the brake or brakes holding a conveyance or counterbalance, when in an overwound or underwound position, cannot be released until sufficient drive motor torque has been developed to ensure movement of the conveyance or counterbalance in the correct direction only. *New.* <sup>Backout switch, motor torque-brake interlock</sup>
530. A manually-operable switch shall be installed for each electric hoist within reach of the manual controls that will, when operated, initiate emergency braking action to bring the conveyance or counterbalance safely to rest. 1961-62, c. 81, s. 561. <sup>Emergency switch</sup>
531. An underwind by-pass switch may be installed, where necessary, that will allow the conveyance to be lowered through the underwind position if it is held in the closed position by the hoistman and will return automatically to the open position when not so held. 1961-62, c. 81, s. 562. <sup>Underwind by-pass switch</sup>
532. Each electric hoist shall have installed, within plain view of the manual controls, a meter that will indicate, at all times, the hoist motor load. 1961-62, c. 81, s. 563. <sup>Load meter required</sup>

Man-safety  
require-  
ments

533.—(1) Where men are transported in skips or the skips of skip-cage assemblies, there shall be installed a device that will prevent the conveyance, carrying the men, from entering the dumping position.

Idem

(2) Except in shaft sinking, such device shall be so installed that, when it is put into operation, a distinctive signal will be given, automatically, to men about to enter the conveyance.

Idem

(3) Such device is not required on electric hoists where men are hoisted for shaft inspection or maintenance operations only.

Idem

(4) Such device shall be put into operation, either manually or automatically, when men are transported.

Idem

(5) In those cases where the device is automatically put into operation by the hoistman's return of the 3-bell signal, the circuit shall be so arranged that the failure of the relay coils will not render the device inoperative. 1961-62, c. 81, s. 564.

Approach  
warning  
signal

534. Each electric hoist shall have installed a device whereby the hoistman is warned, audibly, that a conveyance or counterbalance is about to enter the region where a reduction in speed is necessary for safe manual braking. 1961-62, c. 81, s. 565.

Automatic  
hoists

535. Sections 536 to 544 apply to all electric hoists that may be operated automatically. 1961-62, c. 81, s. 566.

Selection of  
manual or  
automatic  
control

536.—(1) Every electric hoist shall have installed, only in the same location as the manual controls, a device for the change-over from manual to automatic control.

Idem

(2) Such device shall be operated by authorized personnel only. 1961-62, c. 81, s. 567.

Level or  
cage control

537. Where an electric hoist is designed to be operated from control stations on the levels or from a control station on the conveyance, any device used to effect the change-over of control shall be operable only at the level at which a conveyance is stopped. 1961-62, c. 81, s. 568.

- 538.—(1) Devices installed on the levels for the purpose of selecting the conveyance's destination and for initiating hoist motion shall be operable only when the conveyance is stopped at that level, except where the installation has been approved for call operation. Operation of level-installed controls
- (2) There shall be a minimum delay of five seconds between the operation of the level control device used to initiate hoist motion and the actual motion when men are being handled. Idem
- (3) The level control device used to initiate hoist motion shall be so located that it may be operated by someone in the conveyance stopped at that level. Idem
- (4) Devices installed on the levels for the purpose of initiating hoist motion shall, except for jogging, be operable only when the shaft gate at the level at which the conveyance is stopped is in the closed position. 1961-62, c. 81, s. 569. Idem
- 539.—(1) Devices installed in a conveyance for the purpose of controlling hoist motion shall, except for jogging, be operable only when the cage door is in the closed position. Operation of cage-installed control
- (2) Where devices are installed in a conveyance for the purpose of controlling hoist motion, one of the devices shall be capable of initiating emergency braking action to bring the conveyance safely to rest. 1961-62, c. 81, s. 570. Idem
540. Sections 541 to 544 apply to all electric friction hoists. 1961-62, c. 81, s. 571. Friction hoists
541. Each electric friction hoist shall have installed a device that will initiate emergency braking action to bring the drum to rest in the event of the occurrence of slip between the hoisting rope or ropes and the hoist drum, such as might occur with a conveyance or counterbalance jammed in the shaft or caught at the end of travel. 1961-62, c. 81, s. 572. Jammed conveyance device
542. Where creep or slip may alter the effective position of safety devices, a means of synchronizing the safety devices with the position of the conveyance in the shaft shall be provided. 1961-62, c. 81, s. 573. Synchronizing device
543. If the district electrical-mechanical engineer deems it necessary, he may, after consultation with the manager, conduct or require to be conducted specific Special testing

tests of the efficiency of all electric overwind and underwind devices, signalling and warning devices and hoisting controls and equipment. 1961-62, c. 81, s. 574, *amended*.

Electrical  
Hoisting  
Equipment  
Record  
Book

544.—(1) The manager of a mine where an electric hoist is in use shall depute some competent person or persons whose duty it is to examine at least once in each week the hoist motor and control apparatus, electric safety devices and hoisting signalling equipment. 1961-62, c. 81, s. 575 (1), *amended*.

Idem

(2) The report of such examination shall be recorded as provided in subsection 3. 1961-62, c. 81, s. 575 (2).

Idem

(3) The manager shall keep or cause to be kept at the mine for each hoist a book called the Electric Hoisting Equipment Record Book in which shall be recorded a report of every such examination and a notation of any failure or accident to such equipment and the action taken regarding it, signed by the person making the examination. 1961-62, c. 81, s. 575 (3), *amended*.

Idem

(4) Such entries of the weekly examination shall be read and signed every week by the person in charge of such equipment or accessories thereto.

Idem

(5) A notation of the action taken regarding the report of any failure or accident to any part of the electrical equipment used in connection with the hoist or the signalling equipment shall be made over the signature of the person in charge of such equipment or accessories thereto. 1961-62, c. 81, s. 575 (4, 5).

Idem

(6) The Electrical Hoisting Equipment Record Book shall be made available to the district electrical-mechanical engineer at all times. 1961-62, c. 81, s. 575 (6), *amended*.

#### UNDERGROUND ELECTRICAL INSTALLATIONS

General

545. The provisions of this Part that apply to surface electrical installations apply equally to underground electrical installations, except sections 546 to 563, which apply only to underground electrical installations. 1961-62, c. 81, s. 576, *amended*.

Control of  
under-  
ground  
feeders

546.—(1) Where electrical energy is taken underground, provision shall be made so that the current may be cut off on the surface.

- (2) The control device shall be accessible to authorized <sup>Idem</sup> persons only. 1961-62, c. 81, s. 577.
- 547.—(1) Conductors for all circuits not over 150 volts <sup>Wiring methods</sup> to ground shall either be installed in standard conduits, armoured or have non-flammable jackets and be adequately supported. 1961-62, c. 81, s. 578 (1).
- (2) All fixed conductors transmitting power underground <sup>Idem</sup> at over 150 volts to ground shall be installed in standard conduits or armoured, shall be adequately supported, and any outer jacketing shall be of a non-flammable type.
- (3) Open-type wiring shall not be used except in cases <sup>Idem</sup> of emergency. 1961-62, c. 81, s. 578 (2, 3), *amended*.
548. All new cables purchased for the transmission of <sup>Cable test required</sup> power underground at a potential in excess of 750 volts shall be accompanied by the manufacturer's certified report of insulation tests, a copy of which shall be filed with the chief engineer. 1961-62, c. 81, s. 579.
- 549.—(1) All cables transmitting power underground at <sup>Cable rating</sup> a potential exceeding 750 volts shall have a voltage rating of 50 per cent higher than the normal operating voltage. 1961-62, c. 81, s. 580 (1).
- (2) Cable of standard rating for the normal operating <sup>Idem</sup> voltage may be used where the cable is supplied through a circuit-breaker from a circuit where the neutral point is grounded in such a manner as to,
- (a) limit ground fault current; and
  - (b) limit the possible rise of ground fault potential on any connected equipment to a maximum of 100 volts,
- and where ground fault protection is provided. 1961-62, c. 81, s. 580 (2), *amended*.
550. The armouring or casings of all cables shall be <sup>Bonding requirements</sup> bonded together so as to be electrically continuous and shall be connected at some point or points to a satisfactory ground on surface. 1961-62, c. 81, s. 581.

Adequate  
grounding  
for equip-  
ment

551. Where the armouring or casings of cables do not provide an adequate grounding system for underground electrical equipment, a copper or other non-corrosive grounding conductor of adequate size shall be run from such equipment to a satisfactory ground on surface. 1961-62, c. 81, s. 582.

Terminating  
facilities

552. Suitable terminating facilities shall be provided to protect cables from harm due to moisture or mechanical damage. 1961-62, c. 81, s. 583.

Location of  
junction  
boxes

553. Junction boxes on a cable transmitting power at a potential exceeding 300 volts shall not be located in a shaft or winze or attached to any timbers at a shaft or winze station or headframe. 1961-62, c. 81, s. 584.

Approval  
of splices

554. Splices shall not be made in shaft or winze conductors unless approved by the district electrical-mechanical engineer. 1961-62, c. 81, s. 585, *amended*.

Protection  
of signal  
and  
telephone  
cables

555. Adequate precautions shall be taken to prevent signal and telephone cables from coming into contact with other electric systems. 1961-62, c. 81, s. 586.

Maximum  
voltage  
of signal  
system

556. The operating voltage on signal systems shall not exceed 150 volts to ground. 1961-62, c. 81, s. 587.

Grounding  
of signal  
system

- 557.—(1) One conductor of the two-wire signal circuit shall be grounded where the power supply is obtained from a transformer having a primary voltage in excess of 750 volts.

*Idem*

- (2) The signal system may be operated with both conductors ungrounded when the supply is from a transformer having a primary voltage in excess of 750 volts, if an insulating transformer having a 1-to-1 ratio is installed between the supply and the signal system. 1961-62, c. 81, s. 588.

Separate  
signal  
for each  
conveyance

558. Where an electrical hoisting-signal system is installed at a shaft or winze, there shall be a suitable, separate, audible signal system for the control of each hoisting conveyance operated from a single hoist and there shall be a sufficient difference in the sound of the signals to the hoistman that they are easily distinguishable and it shall be so arranged that the hoistman can return the signal to the person giving the signal. 1961-62, c. 81, s. 589.

559. The type and location of transformers installed underground are subject to the approval of the district electrical-mechanical engineer. 1961-62, c. 81, s. 590, *amended*. Transformers,  
type and  
location
- 560.—(1) All transformers over 2 kva, unless insulated with non-flammable di-electric liquids or Class B or Class C insulation, when installed underground, shall be effectively isolated from the mine workings by enclosure in rooms constructed of fire-resistive materials throughout and a door sill of not less than six inches in height shall be provided. Transformers and  
trans-  
former  
rooms
- (2) No material or equipment of any kind, including air lines, air ducts, water and steam lines, shall pass through or terminate within the room, other than that essential to the transformer installation for its proper operation and safety. Idem
- (3) The covers of the ventilation openings shall be held open by thermal fuse links and shall close by gravity, and the door shall be constructed of steel or other suitable material. 1961-62, c. 81, s. 591 (1-3). Idem
- (4) No installation of transformers containing a liquid which will burn in air shall be located within 200 feet of an explosives or blasting agents storage. Idem
- (5) For installations of transformers containing a liquid which will not burn in air or other suitable types, separation shall be not less than 50 feet from an explosives or blasting agents storage. 1961-62, c. 81, s. 591 (4), *amended*. Idem
- 561.—(1) The supports for electric motors, transformers, control and protective equipment and other electric equipment and the compartments in which they are installed shall be of such material and constructed in such a manner as to reduce the fire hazard to a minimum. Fire  
prevention  
under-  
ground
- (2) No flammable material shall be stored or placed in the same compartment with any such equipment. 1961-62, c. 81, s. 592. Idem
562. Where lamps or heating units are used underground, they shall be so installed and protected as to prevent the heat generated from becoming a fire hazard. 1961-62, c. 81, s. 593. Electric  
heaters

Fire-ex-  
tinguishing  
devices

563.—(1) Approved fire-extinguishing devices for use on electrical fires shall be provided and maintained in condition for immediate use.

Idem

(2) They shall be conveniently mounted at or in every place containing electrical equipment having flammable insulation or parts that, once ignited, may support combustion. 1961-62, c. 81, s. 594.

#### ELEVATORS

Interpre-  
tation

564.—(1) In this section,

(a) “attendant” means a person who, as a whole or a part of his normal duties,

(i) operates an elevator or incline lift, or

(ii) supervises the loading, passage or unloading of persons on an incline lift;

(b) “dumbwaiter” means a hoisting and lowering mechanism equipped with a conveyance which moves in guides in a substantially vertical direction, the floor area of which does not exceed 9 square feet, whose total inside height whether or not provided with fixed or removable shelves does not exceed 4 feet, the capacity of which does not exceed 500 pounds, and which is used exclusively for carrying materials;

(c) “elevating device” means an elevator, escalator, dumbwaiter, incline lift or manlift and includes its hoistway enclosure;

(d) “elevator” means a mechanism affixed to a building or structure equipped with a conveyance or platform that moves in guides at an angle exceeding 70 degrees from the horizontal and that is used to lift or lower persons or freight in or about the building or structure;

(e) “escalator” means a power-driven inclined continuous stairway used for raising or lowering persons;

(f) “freight elevator” means an elevator primarily used for carrying freight and on which only the attendant and the persons necessary for unloading and loading the freight are permitted to ride;

(g)

- (g) "incline lift" means a mechanism having a power-driven rope, belt or chain, with or without handholds or seats, for lifting or lowering persons or freight on an incline of 70 degrees or less from the horizontal;
  - (h) "manlift" means a device consisting of a power-driven endless belt provided with steps or platforms and handholds attached to it for the transportation of persons from floor to floor;
  - (i) "passenger elevator" means an elevator used primarily to carry persons.
- (2) Elevating devices, except those covered in subsection 3, shall be designed, installed and maintained in accordance with the edition that is current from time to time of C.S.A. Standard B44, "Safety Code for Elevators, Dumb-waiters and Escalators". Accepted standards
- (3) Aerial tramways, incline lifts and manlifts shall be of a type approved by the chief engineer. Idem
- (4) This section does not apply to, Where section does not apply
- (a) feeding machines, or belt, bucket, scoop, roller or any similar type of freight conveyor;
  - (b) a lifting device that is,
    - (i) part of a conveyor system,
    - (ii) mechanically loaded and unloaded, and
    - (iii) so fenced in or guarded as to prevent persons from accidentally entering the hoistway;
  - (c) freight ramps having a means of adjusting the slope of the ramp;
  - (d) freight platforms having a rise of sixty inches or less;
  - (e) lubrication hoists or other similar mechanisms;
  - (f) piling or stacking machines used within one storey; or
  - (g) a moving walk.

New installations,  
etc.

- (5) No person shall commence a new installation or a major alteration of an elevator, dumbwaiter, escalator, manlift or incline lift until the drawings and specifications thereof have been approved by the chief engineer.

Drawings and specifications

- (6) The drawings and specifications shall be submitted in duplicate and shall furnish full information as to the size, composition and arrangement of the proposed installation or major alteration.

Inspection and approval

- (7) Upon completion of an installation or major alteration, the elevating device shall not be put into use until it has been inspected and approved by the district electrical-mechanical engineer.

Notices required

- (8) There shall be kept, securely fastened and conspicuously displayed,

(a) in the conveyance of each elevator, dumbwaiter or incline lift; and

(b) as close as is practicable to the bottom landing of each manlift,

a notice, in the form of a metal plate, setting forth the maximum capacity of the elevating device, stating the number of persons and the weight in pounds.

Idem

- (9) Every freight elevator shall have displayed in a conspicuous place in the conveyance a notice in letters not less than one inch high:

"This is not a passenger elevator. No person other than the attendant and freight handlers are permitted to ride in this conveyance".

Ceilings

- (10) The ceiling and its supporting structure over every passageway or other occupied space under an elevating device shall be designed, constructed and maintained so as to safely support the loads that would be applied to it if the conveyance and counterweight dropped.

Idem

- (11) Where the conveyance and counterweight are both equipped with devices to stop them or arrest their descent in the event of a failure of their supports, the strength of the ceiling and its supporting structure may be reduced accordingly.

- (12) There shall be provided safe and convenient access <sup>Machine rooms</sup> to every machine room and machinery space.
- (13) Except where otherwise permitted by the chief <sup>Idem</sup> engineer, such access shall be by a stairway that is not located in the hoistway.
- (14) Every machine room and machinery space shall be <sup>Idem</sup> enclosed or located so that unauthorized persons cannot have access to the machine room or machinery space.
- (15) Only machinery and control equipment required for <sup>Idem</sup> the operation of the elevating device shall be permitted in the machine room.
- (16) Sprinklers, pipes, drains, tanks or similar equipment <sup>Idem</sup> which might leak or cause condensation shall not be located directly above the machine or control equipment.
- (17) No person under the age of eighteen years shall be <sup>Attendants</sup> authorized to operate an elevator.
- (18) Subject to subsection 19, an attendant is required for <sup>Idem</sup> every elevator or incline lift.
- (19) An attendant is not required on an elevator or <sup>Idem</sup> incline lift equipped with automatic controls and emergency stopping devices that will, in the opinion of the chief engineer, ensure the safety of any person having access to or riding on the elevator or incline lift.
- (20) Every landing shall be adequately lighted. <sup>Lighting required</sup>
- (21) No person shall remove, displace, interfere with or <sup>Test and repair</sup> damage any device installed in or about an elevating device for its safe operation, except,
- (a) a district electrical-mechanical engineer making an inspection, or
- (b) a qualified person for the purpose of making a test or repair.
- (22) Where a safety device has been removed, displaced, <sup>Restoration of service after damage</sup> interfered with or damaged, the elevating device shall not be used or operated for any purpose other than testing, inspection or repair until the safety device has been restored to working order.

- Inspection (23) The ropes, safety devices, signalling devices, doors and other electrical and mechanical equipment necessary to the safe operation of elevating devices shall be inspected by a qualified person at least once each month and the results recorded.
- Records (24) The records of such inspections shall be made available to an engineer.
- Ropes not to be spliced (25) Hoisting or tail ropes shall not be lengthened or repaired by splicing. *New.*

## CONSTRUCTION, SURFACE

Interpre-  
tation,  
ss. 565-596

565.—(1) In this section and in sections 566 to 596,

- (a) “allowable unit stress” means the allowable unit stress assigned to the material by the issue that is current from time to time of the National Building Code of Canada or similar recognized authority, or in the absence of a recognized authority, by a professional engineer, based on good engineering practice;
- (b) “boom of a crane” means the projecting part of a crane from which the load is supported;
- (c) “constructor” means a person who contracts with the owner or agent of a project for the work thereon, and includes an owner or agent who,
- (i) contracts with more than one person for the work on a project, or
- (ii) undertakes the work on a project or any part thereof;
- (d) “excavation” means an excavation on a project, and includes a trench, other than a trench excavated for prospecting purposes;
- (e) “extension trestle ladder” means a self-supporting combination of a trestle ladder and a vertically-adjustable single ladder, with a suitable means for locking the ladders together;
- (f) “falsework” means the structural supports and bracing for forms;

(g)

- (g) "form" or "formwork" means the mould into which concrete is placed;
- (h) "framed structure" means a structure designed to act as a unit composed of members so connected to one another that a load applied to any member of it may alter the stresses induced in the other members, and includes a truss, a tubular metal frame and a column where the effective length is dependent upon the provision of lateral restraints between the ends of the column;
- (i) "ladder-jack" means a device attached to a ladder used for supporting a scaffold;
- (j) "life jacket" means a life jacket bearing a Department of Transport, Canada Approval Number for a body weight more than 90 lb.;
- (k) "life-net" means a net of adequate strength so placed and supported as to safely catch a person who might fall into it;
- (l) "means of egress" means a passageway, ramp, runway, stairway or ladder leading to an exit from a building, structure or excavation;
- (m) "outrigger scaffold" means a scaffold that is supported by rigid members cantilevered out from the structure to which they are anchored;
- (n) "project" means,
  - (i) a building or other structure that is being constructed, altered, repaired, demolished or moved, or
  - (ii) a roadway that is being built, altered, repaired, demolished or moved;
- (o) "recommended load" means the load established for a scaffold for the particular method of loading by a professional engineer based on the test loading of a tubular metal frame and its accessories and which shall not exceed one third of the failure load when the frame is tested by loading axially through the corner posts;

- (*p*) “stable slope” means the slope at which the wall of an excavation in soil will safely remain in place without extra support, during the time period when the walls of the excavation will be unsupported;
- (*q*) “subcontractor” means a person who contracts with a constructor for the work on part of a project and includes a person who contracts with a subcontractor for work on a part of the project;
- (*r*) “supplier” means an owner of any machine, vehicle, tool or other equipment who provides under any rental, leasing or other arrangement, such equipment for use by a person on a project;
- (*s*) “trestle ladder” means a self-supporting portable ladder, non-adjustable in length, consisting of two sections hinged at the top to form equal angles with the base.

Applica-  
tion of  
ss. 566-596

- (2) Except where a contrary intent is provided, this section and sections 566 to 596 apply only to construction operations on the surface of a mining premises or at a plant. *New.*

Responsi-  
bility of  
contractors  
and sub-  
contractors

- 566.—(1) The responsibilities of contractors and subcontractors on a project in connection with the requirements of this section and sections 566 to 573 are as prescribed in subsection 19 of section 169.

Machines  
to be  
in safe  
condition

- (2) No supplier shall provide any machine, vehicle, tool or equipment, or any part thereof, for use by a person on a project under any rental, leasing or other arrangement if such machine, vehicle, tool, equipment or part is in an unsafe condition.

Shift  
bosses

- (3) Every constructor and every subcontractor shall appoint one or more competent persons to exercise direction and control over persons employed by him on each shift, and one such person may be himself. *New.*

Traffic  
control

567. Where one or more persons may be endangered by passing vehicular traffic on a road on a project, one or more of the following safeguards located at a

suitable

suitable distance from the employees shall be provided as appropriate to give them adequate protection:

1. One or more flagmen.
2. Warning signs.
3. Barriers.
4. Lane control devices.
5. Flashing lights or flares. *New.*

568.—(1) In applying the requirements of sections 566 to 596, Applica-  
tion, alter-  
native  
methods  
and  
materials

- (a) the composition of an object; and
- (b) the size and arrangement of material of an object may vary from that prescribed, but only to the extent that the strength of the object and the safety of its use by persons is equal to or greater than the strength and safety as prescribed and where any conflict arises in the application of these sections as to whether the variation and composition of material of the object or the size and arrangement of material of the object is equal to that prescribed, an engineer's opinion prevails.

(2) In applying subsection 1, the written opinion of the <sup>Idem</sup> chief engineer takes precedence. *New.*

#### GENERAL

569.—(1) During the construction, alteration, repair, <sup>Capacity</sup> dismantling, demolition or moving of a building <sup>to support</sup> or loads other structure, all parts thereof shall be,

- (a) capable of safely supporting the loads to which they may be subjected; or
- (b) adequately braced, either permanently or temporarily, to safely support the loads to which they may be subjected.

(2) All areas in which persons are present, and the means <sup>Lighting</sup> of access to and egress from such areas, shall be adequately lighted.

Protection  
of floor  
openings

(3) Every opening in a floor or other surface used by persons shall,

- (a) be protected by a guardrail; or
- (b) be covered with securely fastened planks or other material capable of supporting any load likely to be imposed thereon.

## Flooring

(4) During construction of a building, temporary or permanent flooring shall,

- (a) be installed progressively so that the flooring will be provided prior to a person being required to work in a position exceeding two storeys above such flooring or three storeys where the vertical distance between column splices exceeds two storeys;
- (b) where used as a working surface, extend over the whole area except for necessary openings which shall be protected by a guardrail;
- (c) consist of material providing strength sufficient to support any load likely to be applied and at least equal to sound No. 1 Construction Grade Eastern Spruce planking two inches thick and ten inches wide with a span of ten feet;
- (d) be securely fastened to and supported on girders, beams or other structural members capable of safely supporting the applied loads; and
- (e) not be required where the work is being done from a scaffold.

Overhead  
protection

(5) Overhead protection, at least equal to sound No. 1 Construction Grade Eastern Spruce planking two inches thick and ten inches wide with a maximum span of ten feet shall be provided,

- (a) at every means of access to and egress from a building or other structure during construction or demolition where there is danger of material falling on a person;
- (b) above a scaffold, where there is danger of material falling on a person on the scaffold; and

(c)

- (c) above an area where a person is required to be directly below other work being done, and there is danger of material falling on the lower person.
- (6) A sufficient number of signs bearing the word "DANGER" in clearly distinguishable lettering<sup>Danger signs</sup> shall be posted,
- (a) where a covering prescribed by subsection 3 has been temporarily removed while work is being done which cannot be done with the covering installed;
  - (b) where the installation of a guardrail is prescribed by the requirements of section 586, and the guardrail has temporarily been removed while work is being done which cannot be done with the guardrail installed;
  - (c) adjacent to a hoisting area;
  - (d) under a suspended scaffold; and
  - (e) at the outlet end of a chute. *New.*
- 570.—(1) Where a structure has suffered damage likely<sup>Damaged structures</sup> to endanger the safety of a person by collapse of all or part of it, the structure shall be braced and shored or other measures taken to prevent injury to a person until the structure is demolished, dismantled, or repaired.
- (2) The bracing and shoring prescribed in subsection 1<sup>Idem</sup> shall be installed progressively so as to provide for the safety of persons installing the bracing and shoring. *New.*
- 571.—(1) Means of access to and egress from every<sup>Access and egress from work areas</sup> excavation, floor, roof, platform and scaffold, other than a suspended scaffold, where work is being performed, shall,
- (a) be by a stair, runway, ramp or ladder; and
  - (b) be maintained in a safe condition at all times.
- (2) Every means of access and egress prescribed by<sup>Idem</sup> subsection 1 and every scaffold from which work is being performed shall,
- (a) be kept clear of obstructions;
  - (b)

(b) be kept clear of ice, snow or other slippery materials; and

(c) when necessary to ensure firm footing, be sprinkled with sand or other suitable abrasive material.

Where  
stairs  
planned

(3) When work on a building or other structure in which stairs are intended to be part of the permanent building or structure has progressed to two storeys or thirty feet above the lowest floor level, whichever is the lesser, the means of egress shall be by permanent or temporary stairs that shall,

(a) be provided for the entire height from the lowest floor level to the uppermost working level, except where the stairs would interfere with work on the uppermost working level, in which case stairs shall be provided to within two storeys or thirty feet vertically, whichever is the lesser, of the uppermost working level; and

(b) be continued as the height of the project is increased.

Where  
stairs not  
planned

(4) When work on a building or other structure intended to be 100 feet or more in height, and in which stairs are not intended to be part of the permanent building or structure, is in progress, the means of egress shall be by temporary stairs that shall,

(a) be provided for the entire height from the ground to the uppermost working level, except where the stairs would interfere with work on the uppermost working level, in which case stairs shall be provided to within two storeys or thirty feet vertically, whichever is the lesser, of the uppermost working level; and

(b) be continued as the height of the project is increased.

Exception  
to subss. 3, 4

(5) Subsections 3 and 4 do not apply to the means of egress from a skeleton structure.

Idem,  
subs. 4

(6) Subsection 4 does not apply to a structure, including a chimney stack or pressure vessel, which has a permanent ladder attached to it as part of the

completed

completed structure and the combined structure and ladder are fabricated before being raised into position as a unit. *New.*

- 572.—(1) No person shall be in an area where he might be exposed to injury from a noxious gas, liquid, fume or dust, or due to lack of oxygen unless he is suitably protected against the particular type of hazard. Personal protective clothing, equipment and devices
- (2) Where the injury exposure referred to in subsection 1 is from skin contact with a noxious gas, liquid, fume or dust, the protection provided shall be, Apparel
- (a) protective apparel; or
  - (b) protective skin cream suitable for the particular type of hazard.
- (3) Where the injury exposure referred to in subsection 1 is from inhalation of a noxious gas, fume or dust, or due to lack of oxygen, the protection provided shall be, Respirators
- (a) adequate mechanical ventilation; or
  - (b) the wearing of respiratory equipment suitable for the particular type of hazard.
- (4) A safety belt shall be used by a person on a structure where he is exposed to the danger of falling, and the nearest surface to which he might fall is more than ten feet below the place where he is working. Safety belts
- (5) The safety belt prescribed in subsection 4 shall be arranged so that if the person should fall he will be suspended at a distance of not more than five feet below the place where he was working. Idem
- (6) Subsections 4 and 5 do not apply, Exceptions to subs. 4, 5
- (a) to a person using a means of access or egress;
  - (b) where a life-net is installed to provide equal protection; or
  - (c) to a person who is an erector engaged in connecting structural members of a skeleton structure or in gaining access thereto.
- (7) Where a person may fall into water at a project with the risk of drowning, he shall wear a life jacket. Life jackets

Exception  
to subs. 7

- (8) Subsection 7 does not apply to shallow water in which a life jacket cannot function properly.

Rescue  
equipment

- (9) In addition to the life jacket prescribed in subsection 7, rescue equipment shall be provided in a suitable location near the project and, where practicable, shall consist of,

(a) a boat in operating condition, equipped with,

(i) a ring buoy attached to fifty feet of three-eighths of an inch manila rope,

(ii) a boat hook, and

(iii) two or more life jackets to provide one for each of the persons needed to properly operate the boat; and

(b) where there is a current in the water, a line across the water to which there are attached floating objects capable of providing support for a person in the water.

Idem

- (10) In locations where the water is extremely rough or swift or where a manually operated boat is not practical, the boat prescribed in subsection 9 shall be a power boat suitable for the waters involved.

Additional  
require-  
ments

- (11) Where this section applies,

(a) two or more persons shall be designated and shall be immediately available to perform any necessary rescue operations;

(b) a suitable alarm system shall be provided; and

(c) the designated persons shall immediately commence rescue operations when the alarm is given. *New.*

#### PROJECT EXCAVATIONS

Services to  
be shut off

- 573.—(1) No excavation or trench shall be commenced until all gas, electrical and other services that are likely to endanger the safety of persons have been properly shut off and disconnected.

Stability of  
adjacent  
buildings

- (2) No excavation shall be made that may endanger the persons on a project or the stability of an adjacent building or structure.

- (3) The walls of an excavation shall be adequately supported by shoring and bracing, and where the excavation is a trench as defined in section 574, the requirements for shoring and bracing as defined therein apply. <sup>Walls to be supported</sup>
- (4) Subsection 3 does not apply to the walls of an excavation, <sup>Exceptions to subs. 3</sup>
- (a) less than four feet deep;
  - (b) into which persons are not required to enter for any purpose;
  - (c) cut in solid rock;
  - (d) which have been cut and trimmed to a slope having not more than one foot of vertical rise to each foot of horizontal run;
  - (e) which have been cut and trimmed to a slope steeper than that prescribed by clause d, and a professional engineer has certified in writing that the steeper slope is a stable slope which will not endanger persons; or
  - (f) in which persons are not required to be within a horizontal distance of the walls equal to the height of the walls.
- (5) The walls of an excavation shall be stripped of loose rock or other material which might slide, roll or fall upon persons below. <sup>Walls to be scaled</sup>
- (6) A clear and reasonably level area extending at least two feet back shall be maintained free of all materials at the top of the walls of an excavation. <sup>Flat area at top of walls</sup>
- (7) No vehicle or other machinery shall be driven or operated or located so close to the edge of an excavation as to affect the stability of the walls of the excavation by vibration or otherwise and endanger the safety of any person. <sup>Vehicles and machinery</sup>
- (8) The top of the walls of an excavation shall be protected by an adequate barrier at least forty-two inches high if, <sup>Barriers</sup>
- (a) the depth of the excavation exceeds ten feet; and
  - (b)

- (b) the safety of a person can be endangered by falling into the excavation.

Warning  
lights

- (9) When a person is employed adjacent to or near an excavation which is not required to be protected by a barricade as prescribed by subsection 8, warning lights shall be provided and properly maintained from one-half hour before sunset until one-half hour after sunrise and at such other times as there is equally restricted visibility.

Water

- (10) Every excavation shall be kept reasonably free of water at all times. *New.*

Interpre-  
tation

- 574.—(1) In this section and in section 575, “trench” means any excavation in the ground where the vertical dimension from the highest point of the excavation to a point level with the lowest point of the excavation exceeds the least horizontal dimension of the excavation, such dimensions being taken in a vertical plane at right angles to the longitudinal centre line of the excavation.

Shoring  
and  
bracing  
trenches,  
exceptions

- (2) The requirements of this section for shoring and bracing the walls of a trench do not apply,
- (a) to a trench less than four feet deep;
  - (b) to a trench into which persons are not required to enter for any purpose;
  - (c) to a trench cut in solid rock;
  - (d) to a trench where the work therein is done only by the owner thereof in person; or
  - (e) to a part of a trench excavated for a pipeline or conduit if the trench is mechanically excavated, if the sections of the line or conduit are permanently assembled before being mechanically placed in the trench, and if the trench is mechanically back-filled.

Shoring  
and  
timbering

- (3) The sides of all trenches exceeding four feet in depth shall be securely shored and timbered with good quality material in accordance with these requirements and the shoring and timbering shall extend at least one foot above the top of the trench, except that where the district mining engineer gives permission in writing to the person in charge of the

work in connection with the trench, the shoring and timbering need not extend above the top of the trench.

- (4) Subsection 3 does not apply where the trench is Application cut in solid rock or where the trench is excavated in hard and solid soil and does not exceed six feet in depth or where the sides of the trench are sloped to within four feet of the bottom of the trench so that the sloped sides of the trench do not have more than one foot of vertical rise to each foot of horizontal run.
- (5) Where the sides of a trench are sloped as described Trench with sloping sides in subsection 4 but not to within four feet of the bottom of the trench, the vertical walls of the trench shall be shored and timbered with good quality material in accordance with these requirements and the shoring and timbering shall extend at least one foot above the vertical walls and be fitted with toe-boards to prevent material rolling down the slope and falling into the part of the trench with vertical walls.
- (6) Drawings and specifications for the shoring and timbering of all trenches to exceed thirty feet in Drawings for shoring and timbering depth and all trenches to exceed twelve feet in width shall be submitted in duplicate to the district mining engineer and the trench shall not be commenced until the drawings and specifications have been approved by the engineer and the shoring and timbering shall conform to such approved plans.
- (7) Shoring and timbering shall be carried along with the excavating of a trench but when conditions permit When shoring and timbering to be done may be done before the excavating commences.
- (8) Where the shoring and timbering is to be removed Removal of shoring on completion of the other work in a trench, such removal shall be done by or under the personal supervision of a person experienced in removing shoring and timbering.
- (9) Ladders or other means of escape satisfactory to the Ladders to be provided district mining engineer shall be provided in every trench and such ladders or other means of escape shall be spaced at intervals of not more than fifty feet in each trench and shall extend three feet above the top of the trench.

Staging and  
scaffolding

- (10) Where staging or scaffolding for handling by hand in relays materials excavated from the trench is erected independently of the shoring or timbering on the sides of the trench, it shall be structurally adequate to protect persons working thereon or in the trench from collapse of the staging or scaffolding or from falling objects.

Idem

- (11) Where the staging or scaffolding is attached to the shoring and timbering on the sides of the trench, the shoring and timbering shall be sufficiently reinforced to withstand the additional load thereby imposed on the shoring and timbering. *New.*

Interpre-  
tation

- 575.—(1) In this section,

- (a) “cleat” means a short member of shoring and timbering that directly resists the downward movement of a strut or wale;
- (c) “sheathing” means the vertical members of shoring and timbering that directly resist pressure from the side of a trench;
- (d) “strut” means a transverse member of shoring and timbering that directly resists pressure from sheathing or wales;
- (e) “wale” means a longitudinal member of shoring and timbering that directly resists pressure from sheathing.

Methods of  
shoring and  
timbering  
trenches

- (2) In all methods of shoring and timbering of a trench,
- (a) the sheathing shall be placed against the side of the trench so that the length of each piece of sheathing is vertical;
  - (b) the struts shall be horizontal and at right angles to the wales or sheathing supported thereby; and
  - (c) the wales shall be parallel to the bottom or the proposed bottom of the trench.

Sheathing

- (3) The sheathing shall be held securely in place against the wales or, where wales are not used, the struts by pressure being firmly exerted on the side of the sheathing adjacent to the wall of the trench.

- (4) Where the trench is excavated in,

Idem

- (a) loose, sandy or soft soil;
- (b) soil that has been previously excavated; or
- (c) soil under hydrostatic pressure,

each piece of sheathing shall be driven into the bottom of the trench so as to be firmly held in place.

- (5) Each strut shall be,

Struts

- (a) cut to the proper length required to fit it tightly between,

- (i) the wales, or

- (ii) where wales are not used, the sheathing,

supported by the strut; and

- (b) where necessary, held securely in place by wedges driven between the strut and,

- (i) the wales, or

- (ii) where wales are not used, the sheathing,

supported by the strut.

- (6) Each strut shall,

Idem

- (a) have,

- (i) cleats that extend over the wales supported by the strut, or

- (ii) other similar devices,

attached securely to the strut by spikes or bolts; or

- (b) be placed on,

- (i) cleats spiked or bolted to posts supporting wales, or

- (ii) where wales are not used, cleats or other similar devices spiked to the sheathing.

## Wales

(7) Each wale shall be supported,

(a) on cleats spiked to the sheathing; or

(b) by posts set on,

(i) the wale next below it, or

(ii) in the case of the lowest wale, the bottom of the trench.

## Composition of materials

(8) The composition of materials used for shoring and timbering shall be,

(a) structural Eastern Spruce; or

(b) any other structural material having strength equal to or greater than that prescribed in clause *a*.

## Members

(9) Each member used for shoring and timbering shall be a solid piece of material.

## Wales in trenching

(10) Where wales are used in the shoring and timbering of a trench, the smaller dimension of the wales shall be placed against the sheathing.

## Composition of materials

(11) The composition of materials used for shoring and timbering may vary from that prescribed in clause *a* of subsection 8, and the size, composition and arrangement of materials used for shoring and timbering may vary from that prescribed in subsection 16, but only to the extent that the strength of the shoring and timbering is equal to, or greater than, the strength of the shoring and timbering prescribed in subsection 16.

## Arrangement of sheathing

(12) Where two or more pieces of sheathing are used one above another in the shoring and timbering of a trench, the sheathing shall be arranged so that the lower pieces of sheathing,

(a) overlap the lowest wales supporting the pieces of sheathing next above it; and

(b) are firmly driven into the soil and securely supported by wales and struts as the trench is made deeper.

- (13) Subject to subsection 14, in the shoring and timbering of a trench, a trench-jack or trench-brace may be used in place of a strut prescribed by this requirement, but only if the strength of the trench-jack or trench-brace is equal to, or greater than, the strength of the strut. Trench-jacks and trench-braces
- (14) Where the trench is over four feet in width, a trench-jack or trench-brace that contains a metal pipe-spacer shall not be used. Idem
- (15) Where a wedge is used in the shoring and timbering of a trench, the thick end of the wedge shall be at least two inches wide. Wedges
- (16) Where the material used for shoring and timbering is that prescribed by clause *a* of subsection 8, the size and arrangement of materials used for shoring and timbering shall be as prescribed in, Where shoring and timbering is structural Eastern Spruce

(a) table 1 for hard and solid soil;

(b) table 2 for soil that may crack or crumble;

(c) table 3 for loose, sandy or soft soil, or soil that has been previously excavated; or

(d) table 4 for soil under hydrostatic pressure,

for depths of trenches shown in column 1 of the tables and shall have,

(e) the pieces of sheathing,

(i) with a thickness and width not less than that prescribed in column 2, and

(ii) arranged so that the horizontal spacing from the centre of one piece of sheathing to the centre of the next piece of sheathing on the same side of the trench is not greater than the spacing prescribed in column 3;

(f) the wales,

(i) with a thickness and width not less than that prescribed in column 4, and

(ii)

- (ii) arranged so that the vertical spacing from the centre of one wale to the centre of the next wale is not greater than the spacing prescribed in column 5; and

(g) the struts,

- (i) with a thickness and width not less than that prescribed in column 6, where the trench is six feet or less in width, or with a thickness and width not less than that prescribed in column 7, where the trench is twelve feet or less in width but greater than six feet in width,
- (ii) arranged so that the vertical spacing from the centre of one strut to the centre of the next strut is not greater than the spacing prescribed in column 8, and
- (iii) arranged so that the horizontal spacing from the centre of one strut to the centre of the next strut is not greater than the spacing prescribed in column 9.

TABLE 1  
(For hard and solid soil)

ITEM No.	DEPTH OF TRENCH	SHEATHING		WALES		STRUTS			
		Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9
	Column 1								
	Feet								
1	Over 6 but not over 10	Inches 2 x 8	Feet 6	Inches .....	Feet .....	Inches 4 x 4	Inches 4 x 6	Feet 4	Feet 9
2	Over 10 but not over 15	2 x 8	4½	6 x 6	4	4 x 6	6 x 6	4	9
3	Over 15 but not over 20	2 x 8	3	8 x 8	4	6 x 6	6 x 6	4	9
4	Over 20 but not over 25	2 x 6	Width of member	10 x 10	4	6 x 8	8 x 8	4	9
5	Over 25 but not over 30	3 x 8	Width of member	8 x 12	4	8 x 8	8 x 10	4	9

TABLE 2  
(For soil that may crack or crumble)

ITEM No.	DEPTH OF TRENCH  Column 1	SHEATHING		WALES		STRUTS			
		Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9
	Feet	Inches	Feet	Inches	Feet	Inches	Inches	Feet	Feet
1	Over 4 but not over 7	2 x 8	4½	4 x 6	4	4 x 4	.....	4	9
2	Over 7 but not over 10	2 x 8	3	6 x 6	4	4 x 4	6 x 6	4	9
3	Over 10 but not over 15	2 x 8	1	6 x 8	4	4 x 6	6 x 6	4	9
4	Over 15 but not over 20	2 x 6	Width of member	8 x 10	4	6 x 6	8 x 8	4	9
5	Over 20 but not over 25	2 x 6	Width of member	10 x 10	4	6 x 8	8 x 8	4	9
6	Over 25 but not over 30	3 x 8	Width of member	8 x 12	4	8 x 8	8 x 10	4	9

TABLE 3

(For loose, sandy or soft soil or soil that has been previously excavated)

ITEM No.	DEPTH OF TRENCH	SHEATHING		WALES		STRUTS			
		Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9
	Column 1								
	Feet	Inches	Feet	Inches	Feet	Inches	Inches	Feet	Feet
1	Over 4 but not over 7	2 x 8	1½	4 x 6	4	4 x 4	4 x 6	4	9
2	Over 7 but not over 10	2 x 6	Width of member	6 x 8	3	4 x 6	6 x 6	3	9
3	Over 10 but not over 15	2 x 6	Width of member	8 x 8	4	6 x 6	6 x 6	4	9
4	Over 15 but not over 20	2 x 6	Width of member	8 x 10	4	6 x 6	6 x 8	4	9
5	Over 20 but not over 25	3 x 8	Width of member	8 x 10	4	6 x 8	8 x 8	4	9
6	Over 25 but not over 30	3 x 8	Width of member	10 x 10	4	8 x 8	8 x 8	4	9

TABLE 4  
(For soil under hydrostatic pressure)

ITEM No.	DEPTH OF TRENCH	SHEATHING		WALES		STRUTS			
		Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9
	Column 1								
1	Over 4 but not over 7	Inches 2 x 6	Feet Width of member	Inches 6 x 8	Feet 4	Inches 4 x 4	Inches 6 x 6	Feet 4	Feet 9
2	Over 7 but not over 10	2 x 6	Width of member	6 x 10	3	4 x 6	6 x 6	3	9
3	Over 10 but not over 15	3 x 8	Width of member	10 x 10	3½	6 x 6	6 x 6	3½	9
4	Over 15 but not over 20	3 x 8	Width of member	10 x 12	3½	8 x 8	8 x 8	3½	9
5	Over 20 but not over 25	4 x 8	Width of member	10 x 14	3	8 x 8	8 x 10	3	9
6	Over 25 but not over 30	4 x 8	Width of member	14 x 14	3	8 x 10	10 x 10	3	9

*New.*

## HOUSEKEEPING

- 576.—(1) No tool or other object shall be placed where <sup>Tools</sup> it may endanger a person.
- (2) Formwork ties protruding from concrete shall be <sup>Formwork ties</sup> removed or cut off at the surface of the concrete as soon as is practicable after removal of the formwork.
- (3) Protruding nails in lumber or scrap material shall be <sup>Protruding nails</sup> removed or bent so as not to be a source of danger to persons.
- (4) Waste material and debris on a project shall be <sup>Debris</sup> removed to a suitable disposal area as often as necessary to prevent a hazardous condition, but not less frequently than daily.
- (5) Rubbish, debris and other materials shall, <sup>Rubbish</sup>
- (a) not be permitted to fall freely from one level to another; and
  - (b) be lowered by a chute or in a suitable container.
- (6) Large objects of rubbish, debris or other similar <sup>Idem</sup> material shall be lowered by crane, hoist or other suitable means.
- (7) Subsections 5 and 6 do not apply to a demolition <sup>Idem</sup> project where material falls or is dropped into a designated area which is adequately enclosed and to which persons do not have access.
- (8) Every chute shall, <sup>Chutes</sup>
- (a) be well constructed and rigidly fastened;
  - (b) if at more than 45 degrees to the horizontal, be enclosed on four sides;
  - (c) where of the open type, be inclined at an angle of 45 degrees or less to the horizontal; and
  - (d) have a strong gate at the bottom end where necessary to control the flow of material from the chute.

Idem

(9) The entrance to a chute shall,

- (a) be so constructed as to prevent hazardous overspill when rubbish, debris or other materials are being deposited into the chute;
- (b) have 4-inch by 4-inch or larger curb or cleat where the entrance is at or below the floor level;
- (c) be not more than four feet high; and
- (d) be kept closed when not in use. *New.*

## STORAGE OF MATERIALS

Handling  
of materials

577.—(1) Material to be used on or removed from a project,

- (a) shall be stored in an orderly manner and so as not to endanger the safety of persons;
- (b) when being moved or transported on the project, shall be moved only in such a manner that the material cannot endanger the safety of persons; and
- (c) when it is to be off-loaded from a vehicle or stockpile, shall not have any blocking or binder that is required to maintain the material in a safe position removed until the removal of the blocking or binder will not allow the material to shift and endanger the safety of persons.

Storage  
of materials

(2) Building materials or equipment shall not be placed or stored on a permanent or temporary structure so as to exceed the safe loadings of the structure or any part thereof.

Idem

(3) No building material shall be stored, stacked or piled within six feet of,

- (a) a floor or roof opening;
- (b) the open edge of a floor, roof or balcony; or
- (c) an excavation.

- (4) Subsection 3 does not apply to small masonry units, <sup>Masonry units</sup> including bricks and blocks, which can be handled by one person and the material is,
- (a) to be used at the edge of,
    - (i) a floor,
    - (ii) a roof,
    - (iii) an opening in a floor, or
    - (iv) an opening in a roof; and
  - (b) the height of the pile is less than the distance of the pile from the edge described in clause *a*.
- (5) Lumber, structural steel and similar materials shall <sup>Storage of lumber, steel, etc.</sup> be stored so that the pile is secure against collapsing or tipping.
- (6) A pile of lumber more than four feet high shall have <sup>Idem, lumber</sup> cross pieces to provide stability.
- (7) Masonry units shall be stacked, <sup>Masonry units when stacked</sup>
- (a) on level wooden planks, a platform or other level base;
  - (b) in tiers throughout a pile;
  - (c) so that a vertical face of a pile is not over seven feet in height;
  - (d) when the pile is more than seven feet in height, by progressively stepping the pile back from the vertical faces;
  - (e) when the pile is more than seven feet in height, with wood strips between tiers to provide stability; and
  - (f) with header units in the pile where necessary to provide stability.
- (8) Bagged material shall be, <sup>Bagged material</sup>
- (a) piled with cross-piles on the exterior of the pile to prevent movement of the bags;

(b)

- (b) piled not more than ten bags high at a vertical face of a pile, except where the pile is in a storage bin or enclosure and the face of the pile is supported by the walls of the storage bin or enclosure; and
- (c) removed from a pile so that the top of the pile is kept approximately level.

Pipe and  
steel

- (9) Pipe and reinforcing steel shall be stacked in substantially supported and braced racks or frames unless some other provision is made to prevent their movement.

Flammable  
liquids

- (10) No flammable liquid in excess of one day's supply in safe containers shall be stored in a building or structure except in a room with sufficient window area to provide explosion relief to the outside and which is separated from the means of egress from the building or structure.

Containers

- (11) A container for a combustible (other than a fuel), corrosive or toxic substance shall,
  - (a) be suitable for the particular substance; and
  - (b) be clearly labeled to identify,
    - (i) the substance,
    - (ii) the hazard involved in the use of the substance, and
    - (iii) the safeguards and protective measures to be taken by persons before, during and after using the substance.

Fuel  
containers

- (12) A container for a fuel shall be identified as to content.  
*New.*

#### SANITATION

Drinking  
water

- 578.—(1) An adequate supply of potable water shall be kept readily accessible for persons.

Idem

- (2) The potable water shall be supplied from a piping system or from a clean, covered container having a drain faucet.

Drinking  
cups

- (3) No person shall be required to, or shall, use a dipper or drinking cup in common with another person.

- (4) Adequate flush toilets, chemical toilets or privies <sup>Toilet facilities</sup> shall be provided or made available for the use of persons from the start of the project,

- (a) within reasonably easy access of their place of work; and
- (b) so that there is at least one toilet or privy for every thirty or fewer persons on the project at any one time.

- (5) Every flush toilet, chemical toilet or privy shall, <sup>Idem</sup>

- (a) be constructed so that any user is sheltered from view and protected from the weather and from falling objects;
- (b) have natural or artificial illumination;
- (c) be provided with adequate supplies of toilet paper and disinfectant;
- (d) be maintained in a clean and sanitary condition;
- (e) be equipped with a toilet seat and cover; and
- (f) if portable, be equipped with a urinal trough in addition to the toilet or privy.

- (6) Washing facilities with adequate clean water, soap <sup>Washing facilities</sup> and individual towels or other drying equipment shall be provided for persons who use or handle corrosive, poisonous or other substances likely to endanger their safety. *New.*

#### FIRE PROTECTION

- 579.—(1) Fire extinguishing equipment shall be provided <sup>Fire extinguisher</sup> where risk of fire exists that is,

- (a) suitable as to type and size for combatting the likely fire;
- (b) protected from mechanical injury;
- (c) located for easy access at suitably marked stations;
- (d) maintained in good operating condition, and
- (e) protected from freezing.

## Standpipes

- (2) Where a permanent standpipe is to be installed in a building, it shall,
- (a) be installed progressively, so far as is practicable, as the building construction proceeds;
  - (b) be provided with a valve at each hose outlet;
  - (c) have a  $1\frac{1}{2}$ -inch diameter hose, with a combination straight stream and fog nozzle, connected to the valve at each hose outlet and shall be installed in all storeys in such locations that each portion of the building is protected by means of hose not over seventy-five feet in length;
  - (d) where applicable, have a suitable connection for the municipal fire department located on the street side not more than three feet and not less than one foot above grade and clear and easy access to the connection shall be maintained at all times; and
  - (e) be provided with adequate water pressure.

Fire  
extinguishers

- (3) A fire extinguisher shall,
- (a) be recharged immediately after use and returned to its designated position;
  - (b) be inspected at least monthly and the date of the last inspection recorded on it; and
  - (c) not contain carbon tetrachloride, methyl bromide or other toxic vapourizing liquids.

Water-type  
fire  
extinguishers

- (4) At least one water-type fire extinguisher of a stored pressure, cartridge operated or pump tank type, having a capacity of two Imperial gallons, shall be provided,
- (a) in every workshop;
  - (b) in every storage building for combustible materials;
  - (c) in places where welding or flame-cutting operations are carried on, while the operations are being carried on and for a reasonable time after their conclusion; and

(d)

- (d) on each storey having a floor space of 5,000 sq. ft. or less in an enclosed building being constructed or altered, and an additional fire extinguisher for each additional 5,000 sq. ft. of floor space in the storey or any fraction thereof.
- (5) Clause *d* of subsection 4 does not apply to a single storey building without a basement or cellar. Exception as to clause *d*
- (6) One or more dry chemical fire extinguishers, the contents of which are discharged under pressure and with a capacity of at least four pounds or other equally effective extinguishers shall be provided, Dry chemical fire extinguishers
- (a) where flammable liquids are stored or handled;
- (b) where oil-fired or gas-fired equipment is used; and
- (c) where a tar or asphalt kettle is used. *New.*

#### ELECTRICAL, WELDING, AND HAULAGE REQUIREMENTS DURING CONSTRUCTION

- 580.—(1) Electrical equipment and wiring methods used during the construction period shall comply with the electrical requirements of this Part. Electrical equipment
- (2) Where welding and burning is done during the construction period, the requirements of section 248 apply. Welding and burning
- (3) Where haulage equipment is used during the construction period, the requirements of sections 238 to 240 apply. *New.* Haulage

#### TEMPORARY HEAT

- 581.—(1) A fuel-fire heating device shall, Fuel-fired heating devices
- (a) be so located, protected and used that it will not risk the ignition of,
- (i) a tarpaulin or similar temporary enclosure, or
- (ii) adjacent wood or other combustible materials;

(b)

- (b) be used only in a confined or enclosed space where there is provided,
  - (i) an adequate supply of air for combustion, and
  - (ii) adequate general ventilation of the space;
- (c) be located so as to be protected from damage or overturning;
- (d) not be located in or adjacent to a means of egress; and
- (e) when used to burn a solid fuel, be connected by a securely supported sheet metal pipe to discharge properly the products of combustion outdoors.

Fuel supply  
lines

- (2) Fuel supply lines shall be protected from damage.

Temporary  
steam  
piping

- (3) Temporary steam piping shall be,
  - (a) installed properly and supported securely; and
  - (b) insulated or protected by screens or guards where persons may accidentally come into contact with the piping. *New.*

#### CONSTRUCTION EQUIPMENT

Vehicles,  
machinery,  
tools, etc.

- 582.—(1) Vehicles, machinery, tools and equipment used on a project,

- (a) shall be in such condition that when used they will not endanger persons;
- (b) shall not be used while being repaired or serviced;
- (c) shall, when operated by motive power, have been inspected by an authorized person at least once in the twenty-four hours prior to their use;
- (d) shall, when applicable, have a safe means of access to the operator's station; and
- (e) shall have at least the same factor of safety as the original design for all modifications, extensions, replacement parts or repairs.

- (2) No person shall operate a motorized vehicle unless he is authorized to do so. Operators of motorized vehicles
- (3) Subsection 2 does not apply to a person, Exception
- (a) who is under instruction in the operation of the vehicle; and
  - (b) who is accompanied by a person who is authorized to operate a motorized vehicle.
- (4) No person shall be on a moving support, including a platform, bucket, basket, load, hook or sling, supported by, Moving supports
- (a) the boom of a crane or other similar hoisting machine; or
  - (b) a fork-lift truck, front-end loader or other similar machine.
- (5) Subsection 4 does not apply to, Exception
- (a) a bucket or basket attached to a hydraulic-powered machine on which the operating controls are on the bucket or basket and the machine is equipped with a fail-safe device which automatically locks the support in position; and
  - (b) the platform of an approved device for hoisting persons.
- (6) All hoisting hooks shall be equipped with a safety catch. Hoisting hooks
- (7) Subsection 6 does not apply to hoisting hooks while being used in the placing of structural members when the method of placing is such that persons are as safe as if a safety catch were installed. Exception
- (8) Friction-type clamps used in hoisting materials shall be so constructed that the accidental slackening of the hoisting cable does not release the clamp. Friction-type clamps
- (9) Where hoisting is done by a device in which the weight of the load is not transferred to ground support at all times, such as by a balloon or helicopter, written permission shall be obtained from an engineer prior to hoisting. Balloons, etc.

## Cranes

(10) A crane shall be equipped with a boom,

(a) authorized by the manufacturer; or

(b) designed by a professional engineer and fabricated in accordance with the requirements of his design.

## Load-rating plates

(11) Manufacturers' load-rating plates shall be attached to all cranes in clear view of the operator and shall contain sufficient information to enable the operator to determine the safe load which can be hoisted by the crane under any conditions.

## Idem

(12) Where the boom of a crane is other than that authorized by the manufacturer, the load-rating plate shall be in accordance with information supplied by a professional engineer.

## Guide ropes

(13) Where a person may be endangered by the rotation or uncontrolled motion of a load being hoisted by a crane or similar machine, one or more guide ropes or tag lines shall be used to prevent the rotation or other uncontrolled motion.

## Where signalmen required

(14) When the operator of a crane, shovel or similar machine has his view of the path of travel of any part of the machine or its load obstructed, one or more competent signalmen shall assist him by keeping the part of the machine or its load under observation and communicating with the operator by adequate visual signals, or where this is impracticable, by a suitable telecommunication system.

## Repairs to pipeline

(15) While a section of a pipeline or hose is under pressure, no person shall commence to disconnect or carry out any repairs on that section.

## Pile drivers supply hoses

(16) A hose supplying steam or air to the hammer of a pile driver shall have attached to it a wire rope or chain to prevent the hose from whipping if the hose becomes separated from the hammer.

## Lifting jacks

(17) Every lifting jack shall,

(a) have its rated capacity legibly cast or stamped in plain view on the jack; and

(b) be equipped with a positive stop to prevent over-travel or with an indicator where a positive stop is impracticable.

- (18) During the hoisting, placing, removal or with-<sup>Piles</sup>drawal of piles or sheet-piling, they shall be adequately supported at all times and all persons not actually engaged in the operation shall be kept from the area.
- (19) No internal combustion engine shall be operated, <sup>Internal combustion engines</sup>
- (a) in an excavation unless adequate provision is made to ensure that exhaust gases and fumes will not accumulate in the excavation; or
  - (b) in an enclosed building or other enclosed structure unless,
    - (i) the exhaust gases and fumes are discharged directly to outdoors to a point sufficiently remote to prevent their return, or
    - (ii) there is an adequate supply of air for combustion and adequate mechanical exhaust ventilation. *New.*

#### SPECIAL PROVISIONS

- 583.—(1) Where the walls of an excavation for a well are <sup>Excavations for wells</sup> not supported as prescribed by subsection 3 of section 573, no person shall enter or remain in the excavation if it is over four feet in depth, unless,
- (a) a steel liner of adequate strength has been installed which,
    - (i) extends two feet above ground level and to within four feet of the point where the work is being done,
    - (ii) is adequately supported on two sides by steel wire rope, and
    - (iii) is such that the difference between the diameter of the excavation and the diameter of the liner does not exceed four inches; and
  - (b) the person,
    - (i) works from within the steel liner,
    - (ii)

(ii) is wearing a safety harness the rope of which is secured at the surface, and

(iii) is attended by another person who is stationed outside the excavation.

Confined  
spaces

(2) No person shall enter a confined space where the means of egress is restricted, unless,

(a) the space has been tested to ascertain if a hazard exists;

(b) adequate precautions as prescribed by these requirements have been taken against any hazard found to exist;

(c) he is attended by another person stationed outside the confined space; and

(d) suitable arrangements have been made to remove the person from the confined space if he requires assistance, and where practicable, these arrangements shall include his use of a safety harness or safety belt.

Rock  
drilling  
operations

(3) During rock drilling operations, an adequate supply of water shall be provided where necessary to control the dissemination of dust into the breathing zone of persons in the area who are not protected as required by subsection 3 of section 572.

Explosives

(4) Where explosives are used on a project, sections 279 to 310 apply. *New.*

RUNWAYS, RAMPS, PLATFORMS

Runways  
etc.

584.—(1) A runway, ramp or platform, other than a scaffold platform shall be,

(a) designed, constructed and maintained to safely support all loads that may reasonably be expected to be applied to it;

(b) nineteen inches or more in width; and

(c) securely fastened in place.

Ramps

(2) A ramp shall have,

(a) a slope not exceeding one foot of vertical rise to each three feet of horizontal run; and

(b)

- (b) cross cleats if the slope exceeds one foot of vertical rise to each eight feet of horizontal run, and the cleats shall be,
  - (i) spaced at regular intervals not exceeding eighteen inches, and
  - (ii) of equivalent strength and have equivalent resistance to slipping as one inch by two inch dressed boards securely nailed to the ramp.
- (3) Subsection 2 does not apply to a ramp installed in the stairwell of a building not exceeding two storeys in height, but every such ramp shall have, Exception
  - (a) a slope not exceeding one foot of vertical rise to one foot of horizontal run; and
  - (b) cross cleats,
    - (i) spaced at regular intervals not exceeding twelve inches, and
    - (ii) of equivalent strength and have equivalent resistance to slipping as two inch by two inch dressed boards securely nailed to the ramp. *New.*

## LADDERS

585.—(1) A ladder shall,

Ladders

- (a) be designed, constructed, maintained and used so as not to endanger the safety of any person;
- (b) be used only in such a way that the loads applied do not cause the materials used in any part of the ladder to be stressed beyond the allowable unit stresses for the materials used;
- (c) be free from broken or loose members or other faults;
- (d) have rungs evenly spaced twelve inches on centres;
- (e) have side rails not less than twelve inches apart;

(f)

- (f) be placed on a firm footing;
- (g) be held in place by one or more persons while being used, if it exceeds thirty feet in length and is not securely fastened;
- (h) when not securely fastened, be placed so that the base of the ladder is not less than one quarter and not more than one third of the length of the ladder from a point directly below the top of the ladder and at the same level as the base of the ladder;
- (i) if used as a regular means of access between floors,
  - (i) be securely fastened in place,
  - (ii) extend at least three feet above every landing or floor,
  - (iii) have a clear space of four inches behind any rung, and
  - (iv) be so located that an adequate landing surface, clear of obstructions, is available at the top and bottom of the ladder;
- (j) not be in an elevator shaft or hoistway when such space is being used for hoisting; and
- (k) not be lashed to another ladder to increase its length.

Wooden  
ladders

(2) A wooden ladder shall,

- (a) consist of wood that is straight-grained and free from loose knots, sharp edges, splinters and shakes;
- (b) not be painted or coated with an opaque material; and
- (c) have rungs of clear straight-grained material that is free of knots.

Wooden  
cleat-type  
ladders

(3) A wooden ladder of the cleat type shall have,

- (a) side rails,

(i)

- (i) not less than  $1\frac{5}{8}$  inches by  $3\frac{5}{8}$  inches for ladders up to and including nineteen feet long, and
  - (ii) not less than  $1\frac{5}{8}$  inches by  $5\frac{5}{8}$  inches for ladders over nineteen feet long; and
- (b) cleats or rungs,
  - (i) not less than five eighths of an inch by  $2\frac{5}{8}$  inches, and
  - (ii) braced by filler blocks between the cleats or rungs.
- (4) A double width ladder shall, Double  
width  
ladders
  - (a) have three rails evenly spaced;
  - (b) be not less than five feet in width;
  - (c) have cleats or rungs that extend the full width of the ladder; and
  - (d) be securely fastened in place.
- (5) The maximum length of a ladder measured along Maximum  
lengths of  
ladders the side rail shall be,
  - (a) 16 feet for a trestle ladder, a base section of an extension trestle ladder, or an extension section of an extension trestle ladder;
  - (b) 20 feet for a step ladder;
  - (c) 30 feet for a single ladder or individual section of a ladder;
  - (d) 48 feet for a two-section extension ladder; and
  - (e) 66 feet for an extension ladder having more than two sections.
- (6) Runs of ladders shall, Runs of  
ladders
  - (a) have rest platforms at intervals not greater than thirty-five feet; and
  - (b) be offset at every rest platform to provide overhead protection.

## Exception

- (7) Subsection 6 does not apply to a permanently installed ladder which is provided with a safety cage over its entire length.

## When ladder used as a self-supporting unit

- (8) When a step-ladder is being used as a self-supporting unit,
- (a) the legs shall be fully spread and the spreader shall be locked;
  - (b) the top of the step-ladder shall not be used as a step; and
  - (c) the pail shelf shall not be used as a step.

## STAIRS

## Temporary stairs and landings

- (9) Temporary stairs and landings shall be designed and constructed to safely support a live load of 100 pounds per square foot.

## Requirements for stairs

- (10) Stairs shall,
- (a) have treads and risers uniform in width, length and height in any one flight;
  - (b) have stringers making an angle not exceeding fifty degrees from the horizontal;
  - (c) have a vertical distance between landings not exceeding twelve feet; and
  - (d) have a handrail equivalent to the top-rail of a guardrail as prescribed in these requirements securely fastened and supported in place on the open side or sides of each flight and at each landing.

## Temporary stairs

- (11) Temporary stairs shall have a clear width of not less than thirty inches.

## Skeleton steel stairs

- (12) Skeleton steel stairs shall have temporary wooden treads,
- (a) of suitable planking extending the full width and breadth of the stairs and landings; and
  - (b) securely fastened in place.

- (13) Clause *b* of subsection 10 and subsection 11 do not <sup>Exception</sup> apply to a prefabricated stair erected inside a tower formed by scaffold frame sections where,

- (a) the stringers make an angle not exceeding sixty degrees from the horizontal; and
  - (b) the stairs have a clear width of twenty inches.
- New.*

#### GUARDRAILS

- 586.—(1) A guardrail shall be provided and maintained <sup>Where guardrails required</sup> in good condition,

- (a) around any uncovered opening in a floor, roof or other surface; and
  - (b) at the perimeter or any other open side of,
    - (i) a floor, including a mezzanine and a balcony,
    - (ii) a surface of a bridge,
    - (iii) a scaffold, including a platform, runway or ramp, or
    - (iv) a concrete roof, while the formwork remains in place,
- from which a person may fall,
- (v) into water,
  - (vi) for a vertical distance of four feet or more where the scaffold referred to in subclause iii of clause *b* is used for wheelbarrows or other vehicles, or
  - (vii) for a vertical distance of ten feet or more.

- (2) A guardrail shall have a height of not less than thirty-six inches and not more than forty-two inches <sup>Requirements for guardrails, height</sup> above the surface, floor, scaffold or concrete roof on which it is installed.

- (3) A guardrail shall be constructed in accordance with <sup>Idem specifications</sup> one of the following specifications:

1. A wooden guardrail, free from splinters and protruding nails, consisting of,
  - i. a top rail not less than  $1\frac{5}{8}$  inches by  $3\frac{5}{8}$  inches in cross-section, securely supported on posts not less than  $1\frac{5}{8}$  inches by  $3\frac{5}{8}$  inches in cross-section, spaced at intervals of not more than eight feet,
  - ii. an intermediate rail not less than three inches wide, securely fastened to the inner side of the post midway between the top rail and the toe-board, and
  - iii. a toe-board securely fastened to the posts or other vertical supports, and extending from the surface, floor, scaffold or roof, to a height of not less than five inches;
2. A wire cable guardrail maintained taut by means of a turnbuckle consisting of,
  - i. a top-rail and an intermediate rail of not less than one-half of an inch diameter wire cable with vertical separators at least two inches wide, spaced at intervals of not more than eight feet, and
  - ii. a toe-board securely fastened to the inner side of the vertical separators and extending from the surface, floor, scaffold or roof to a height of not less than five inches; or
3. Notwithstanding the height limitations of subsection 2, a guardrail of fencing material, commonly referred to as snow fencing, adequately supported in a vertical position and maintained taut, which shall have,
  - i. vertical pieces of lumber four feet long, not less than one and one-half inches wide and three-eighths of an inch thick, painted a distinctive colour, and woven between five double strands of number thirteen Imperial Standard Gauge steel wire so that the lumber shall be tight

between

between the wire and space at not more than three and one half inches centre to centre, and

- ii. the double stranded wires shall be wrapped round each other at least three times in each space between the lumber and shall be evenly spaced ten inches apart.

- (4) A guardrail shall be constructed in accordance with paragraph 1 of subsection 3 if the district mining engineer is of the opinion that the wire cable guard-rail or fencing material is not installed or is not being maintained in good condition. *New.* Guardrails

#### SCAFFOLDS

- 587.—(1) Where work cannot be done safely on or from the ground or from a building or other permanent structure, a scaffold constructed as prescribed in this section, or some other equally safe means of support for persons, shall be provided. Where  
scaffolds  
required
- (2) No person shall use stilts, a barrel, box or other loose object, Use of  
loose  
objects  
prohibited
    - (a) to stand upon while working; or
    - (b) to support a scaffold or working platform.
  - (3) The erection, use, dismantling or removal of a scaffold shall be done under the supervision of a person experienced in this work. a Supervision  
required
  - (4) During the erection, alteration or dismantling of a scaffold or scaffold platform, work, other than that required for the erection, alteration or dismantling, Carrying on  
of work
    - (a) shall be done only from the parts of the scaffold or scaffold platform which comply with subsection 1 of section 586 and subsection 5 of this section; and
    - (b) shall not be performed beneath the part being erected, altered or dismantled unless adequate overhead protection is provided.
  - (5) A scaffold shall, Require-  
ments for  
scaffolds
    - (a) be capable of supporting two or more times the maximum loading to which it may be

subjected

subjected without exceeding the allowable unit stresses for the materials used and where the principal component of the scaffold is a tubular metal frame;

- (b) be constructed only of suitable structural material and where lumber is used, it shall be No. 1 Construction Grade Eastern Spruce or better;
- (c) have all uprights diagonally and horizontally braced to prevent lateral movement;
- (d) have no splices between the points of support of horizontal members;
- (e) have footings, sills or supports which shall be sound, rigid, and capable of supporting the maximum load without unsafe settlement or deformation;
- (f) have all necessary fittings and gear, which shall be suitable and properly installed;
- (g) have safety catches on all hooks; and
- (h) be adequately secured to prevent lateral movement at vertical intervals not exceeding three times the least lateral dimension of the scaffold measured at the base.

Require-  
ments for  
scaffold  
platforms

(6) A scaffold platform shall,

- (a) be designed, constructed and maintained to safely support all loads to be applied to it in accordance with clause *a* of subsection 5;
- (b) be at least nineteen inches wide;
- (c) when ten or more feet above a floor, roof or other surface, consist of planks tightly laid for the full width of the scaffold; and
- (d) when lumber is used, have planks which,
  - (i) are of No. 1 Construction Grade Eastern Spruce or better,
  - (ii) are at least two inches thick and ten inches wide,
  - (iii)

- (iii) overhang its end supports by not less than six inches and not more than eighteen inches, and
- (iv) are cleated or otherwise secured against slipping.

(7) A suspended scaffold shall,

Require-  
ments for  
suspended  
scaffolds

- (a) be attached to a fixed support or an out-rigger beam capable of supporting four or more times the maximum loading to which it may be subjected, without overturning and without exceeding the allowable unit stresses for the materials used;
- (b) have hangers located not less than six inches and not more than eighteen inches from the ends of the platform;
- (c) when capable of moving either vertically or horizontally,
  - (i) have rope falls equipped with suitable pulley blocks, or
  - (ii) have a mechanical hoisting device equipped with a positive locking device to prevent the scaffold from falling freely;
- (d) not use fibre rope where,
  - (i) the distance between blocks exceeds three hundred feet,
  - (ii) any corrosive substance is in the vicinity of the rope, or
  - (iii) any mechanical grinding or flame cutting equipment is to be used in the vicinity of the rope;
- (e) when not being raised or lowered, where practicable, be secured to and firmly anchored to the building or structure; and
- (f) have wire mesh of at least No. 16 gauge rejecting a ball one and a half inches in diameter, extending from the toe-board to the rail of the guardrail and fastened securely in place.

Boatswain's  
chair

(8) A boatswain's chair shall,

- (a) be not less than two feet long and ten inches wide;
- (b) be supported by a sling which shall be at least three-eighths of an inch wire rope, if the workman on the chair is using,
  - (i) any corrosive substance, or
  - (ii) any mechanical grinding or flame cutting equipment; and
- (c) not be required to comply with clauses *b* and *f* of subsection 7.

Safety  
belts

(9) Each person on a suspended scaffold shall use a safety belt attached in a satisfactory manner to a separate independently suspended life-line of at least five-eighths of an inch manila rope securely attached overhead to the project or other suitable support in such a way that, failure of the scaffold support does not cause failure of the life-line support, the life-line is free from danger of chafing on any sharp edge, and if the person should fall, he will be suspended at a distance of not more than five feet from the place where he was working.

Exception

(10) Subsection 9 does not apply to a part of a suspended scaffold which is designed, constructed and maintained in such a way that the failure of one support or one suspension will not cause the collapse of the part of the scaffold directly or by progressive collapse of the other supports or suspensions.

Outrigger  
scaffolds

(11) An outrigger scaffold shall have,

- (a) the platform commencing within three inches of the wall; and
- (b) outrigger beams which are well secured against horizontal and vertical movement.

Ladder jack  
scaffolds

(12) A ladder jack scaffold shall,

- (a) have ladder jacks that transmit their load directly to the ladder side rails;
- (b) not be used to provide a working platform more than ten feet above a floor, roof or any other surface supporting the ladders; and

(c)

- (c) not be used where the distance between the ladders exceeds ten feet.
- (13) A mobile scaffold mounted on casters or wheels shall, <sup>Mobile scaffolds</sup>
- (a) where the height of the scaffold exceeds three times its least lateral dimension measured at the base, be equipped with outriggers, guy wires or other positive means to prevent over-turning;
  - (b) be equipped with a suitable braking device on each wheel;
  - (c) have the brakes applied when any person is on the scaffold or scaffold platform; and
  - (d) not be moved when a person is on the scaffold or scaffold platform except when every person on the scaffold is using a safety belt in a similar manner to that prescribed in subsection 9 for a person on a suspended scaffold.
- New.*

#### FORMWORK AND FALSEWORK

- 588.—(1) Every structure and every part of a structure <sup>Concrete forms, etc., when adequate</sup> for the purpose of forming concrete shall be designed, constructed, supported and braced to safely withstand all loads likely to be applied to it before, during and after the placing of concrete.
- (2) Where shores are used, <sup>Where shores used</sup>
- (a) the bracing required by subsection 1 shall include sufficient bracing in the vertical and horizontal planes to prevent lateral movement of the formwork and buckling of the shores; and
  - (b) footings for shores shall be sound, rigid and capable of carrying the maximum load without excessive settlement or deformation.
- (3) Where shoring is more than one tier in height, the <sup>Shoring in tiers</sup> junction of each tier shall be braced to prevent any lateral movement.

Idem

- (4) Without limiting the generality of subsection 1, where falsework consists of shoring more than one tier in height or is a framed structure,
- (a) such falsework shall be designed by a professional engineer to safely withstand the loads mentioned in subsection 1;
  - (b) the drawings of such falsework shall be prepared and shall,
    - (i) show the size and specifications of the falsework, including the type and grade of all materials for its construction,
    - (ii) bear the seal or signature of the professional engineer, and
    - (iii) be kept at the project at all times while the falsework is being constructed or used; and
  - (c) such falsework shall be constructed in accordance with the drawings prescribed in clause *b* and any revisions shall be countersigned by the professional engineer mentioned in clause *a*.

Removal  
of forms

- (5) Removal of falsework and formwork shall not be commenced until the concrete has attained sufficient strength to be,
- (a) self-supporting, or
  - (b) capable of being adequately supported by reshoring. *New.*

## DEMOLITION

Precautions  
to be taken

- 589.—(1) No person shall commence or continue to demolish, dismantle or move a building or other structure until such times as,
- (a) he has taken steps to prevent injury to any person in or near the project or the adjoining property; and

(b)

- (b) all existing gas, electrical and other services that are likely to endanger the safety of persons having access to the building or other structure have been properly shut off and disconnected.
- (2) No person shall stand on top of a wall, pier or chimney to remove material therefrom, unless safe flooring or adequate scaffolding or staging is provided on all sides not more than ten feet below his place of working. Standing on walls, etc., prohibited
- (3) Scaffolding shall be made self-supporting to be independent of that portion of the project being demolished. Requirement as to scaffolding
- (4) This section applies to demolition by, Application of section
- (a) a heavy weight suspended by cable from a crane or other hoist machine;
- (b) a power shovel, bulldozer or other vehicle;
- (c) any other powered mechanical device;
- (d) explosives; or
- (e) any combination of the foregoing.
- (5) The person in charge of demolition shall ensure that no person except his employees directly engaged on the demolition described in subsection 4, enters a demolition zone, Duty of person in charge
- (a) having its centre at the point of demolition; and
- (b) having a horizontal radius equal to one and a half times the height of the project, or portion of the project being demolished.
- (6) The controls of a mechanical device for demolishing a project shall be operated from a safe location which shall be as remote as is practicable from the demolishing operation. Controls of mechanical devices

Swinging  
weights

- (7) Where a swinging weight is used for demolishing, the supporting cable shall be of such length or so restrained that the weight will not swing against any structure other than the structure being demolished.

Glass

- (8) Before demolition commences, glass shall be removed from windows and other locations on the project or otherwise protected so that there is no possibility of breakage of the glass at any stage of the demolition.

Method of  
working

- (9) Demolition shall proceed systematically from the highest to the lowest point of the project.

Idem

- (10) In a skeleton structural frame building, the skeleton structural frame may be left in place during the demolition or dismantling of the masonry if the masonry and any loose material is removed from the skeleton structural frame in the order prescribed in subsection 9.

Idem

- (11) The work above each tier or floor shall be completed before the safety of its supports is impaired by the demolition or dismantling operations.

Where work  
suspended or  
discontinued

- (12) Where work on a building or structure being demolished or dismantled is suspended or discontinued prior to the completion of the demolition or dismantling, access to the part which has still to be demolished or dismantled shall be prevented by the installation of fencing or other equally effective barriers.

Girders

- (13) A truss, girder or other structural member shall not be disconnected until it has been relieved of all loads except its own weight and has been temporarily supported.

Masonry  
walls

- (14) Masonry walls shall be removed in reasonably level courses.

Falling  
materials

- (15) Materials shall not be loosened or permitted to fall in such masses as to endanger the structural stability of a floor or other support of the project or of any scaffold.

- (16) A basement, cellar or excavation on a project being demolished or dismantled shall be backfilled to grade upon completion of the demolition or dismantling unless the open edges of the basement, cellar or excavation are protected by adequate fencing. <sup>Basements to be backfilled</sup>
- (17) Subsection 16 does not apply to a basement or cellar which has a roof, floor or other solid covering over it and all openings are boarded up to prevent access to the basement or cellar. *New.* <sup>Exception</sup>

#### EXPLOSIVE ACTUATED FASTENING TOOLS

- 590.—(1) An explosive actuated fastening tool shall, <sup>Fastening tools</sup>
- (a) be operated only by an authorized person who has been duly instructed in the use of the equipment according to the manufacturer's specifications and recommendations;
  - (b) be operated only in accordance with the manufacturer's approved recommendations;
  - (c) be inspected by the operator before use to ensure that it is clean and in all ways suitable for use;
  - (d) not be left unattended in a place where it might be available to an unauthorized person;
  - (e) be stored in a locked container.
- (2) Explosive loads shall, <sup>Explosive loads</sup>
- (a) be suitably identified;
  - (b) be stored in separate compartments if of varied strength;
  - (c) be stored in a locked container; and
  - (d) not be left unattended in a place where they may be available to unauthorized persons. *New.*

## CONSTRUCTION HOISTS

Interpre-  
tation

591.—(1) In this section and in sections 592 to 596,

- (a) “attendant” means a person who is stationed on the conveyance or at its landing places and has control of any movement of the conveyance of the hoist as whole or part of his duties;
- (b) “chimney hoist” means a hoist used for hoisting or lowering persons or materials in or without a chimney;
- (c) “concrete bucket hoist” means a construction hoist used for hoisting or lowering concrete only;
- (d) “construction hoist” means a mechanism for use in connection with the construction, maintenance or demolition of a building, structure or other work on surface of a mining property,
  - (i) for hoisting or lowering materials or persons or both, and
  - (ii) equipped with a conveyance that moves in guides during its vertical movement, and includes its hoistway and hoistway enclosure;
- (e) “materials hoist” means a construction hoist used for hoisting or lowering materials only;
- (f) “operator” means a person who is stationed at the driving unit of a construction hoist and has direct control of any movement of the conveyance of the hoist as the whole or part of his duties;
- (g) “permit” means a permit granted under this section to operate a construction hoist under specific loadings;
- (h) “user” means the person in charge of a construction hoist as owner, lessee or otherwise, but does not include an operator or attendant as such;

- (i) "workmen's hoist" means a construction hoist used for hoisting or lowering persons or materials.
- (2) The specifications for a construction hoist and its equipment, and the general arrangement of the installation including location, tower and hoistway, shall be submitted to the chief engineer for approval and no installation shall be made until such approval has been received. <sup>Specifications to be approved</sup>
- (3) The second or any subsequent installation on the same property of a construction hoist and hoistway, originally approved by the chief engineer, may be made on the approval of the district electrical-mechanical engineer, without the submission of plans and specifications, after he has inspected the site. <sup>Specifications of subsequent installations</sup>
- (4) Every construction hoist shall have tests conducted to prove the safe operation of all brakes, clutches, safety devices and controls, before being put into operation at a new location and thereafter, at such intervals as to ensure safe operation. <sup>Tests</sup>
- (5) The results of such tests shall be recorded in the Machinery Record Book and made available to the district electrical-mechanical engineer. <sup>Idem</sup>
- (6) No construction hoist shall be put into operation until a permit showing the maximum allowable loadings for persons or materials has been obtained from the district mining engineer, and such permit shall be displayed in a conspicuous place in the hoisting area. <sup>Maximum load permits</sup>
- (7) Where the permit for a construction hoist does not designate the capacity in terms of persons, or persons and pounds, the user of the hoist shall furnish and display a notice, in the conveyance or other load carrying unit of the hoist, setting forth in letters not less than two inches high the words "No person shall ride in or on this conveyance". <sup>Notice</sup>
- (8) The prohibition contained in the notice mentioned in subsection 7 applies to every person except a person engaged in the lubrication, repair, erection, dismantling or maintenance of a construction hoist. <sup>Idem</sup>

Where  
operator  
and  
attendant  
required

- (9) Where a construction hoist has a driving unit that is not directly controlled by a device installed in the conveyance or at each landing of the hoistway, there shall be,

(a) an operator at all times; and

(b) an attendant in the conveyance or at each landing of the hoistway when persons are being conveyed.

Operators  
must be  
qualified

- (10) Where an operator is required for the operation of a construction hoist, he shall, if required, possess a certificate of qualification.

Attendants  
must be  
experienced

- (11) Where an attendant is necessary for the operation of a construction hoist, the attendant shall have attained the age of eighteen years and shall have had adequate training and experience to perform his duties safely.

Safety of  
persons

- (12) Every construction hoist and all equipment used in connection therewith shall be so designed, installed and maintained that the safety of persons being carried or being near shall be ensured at all times.

Load  
capacity  
certificate

- (13) The owner or user of a construction hoist shall provide a certificate from the manufacturer or an independent person approved by the chief engineer showing the maximum allowable weight that the hoist is capable of handling.

Protection  
of hoist  
operators  
and hoists

- (14) The operator of a construction hoist and the hoist shall be adequately protected against falling objects and other hazards consistent with the project.

Idem

- (15) The installation shall be so arranged that the hoist operator will have the maximum practicable view of the tower.

Idem

- (16) The building housing the hoist shall be adequately lighted.

Idem

- (17) The machine area, tower landings and pit shall be kept free of building materials, debris, and equipment not required for the hoist.

Idem

- (18) Flammable fuels, oil or other readily combustible materials shall be stored away from the hoist area.

- (19) The main overhead beams at the top of the tower and the immediate members supporting the beams shall, Main overhead beams of hoist towers

(a) be of steel; and

(b) safely support the loads likely to be imposed thereon, including,

(i) twice the maximum load on the ropes suspended from the overhead beams, and

(ii) the weight of the overhead beams and machinery thereon, and

(iii) be rigidly and safely supported at each end.

- (20) A construction hoist tower shall, Hoist towers

(a) be of steel;

(b) safely support the loads likely to be imposed upon it, including,

(i) twice the maximum static load suspended from the overhead beams,

(ii) any loads due to a hoist boom or concrete bucket chute,

(iii) the weight of the tower, and

(iv) loads due to wind and ice;

(c) be supported upon a safe, firm, level foundation such that the tower will remain in vertical alignment and the bearing capacity of the soil will not be exceeded by the maximum load from the tower, the hoist and its load;

(d) extend above the top landing so that, when the conveyance is at the top landing, ten feet of overhead clearance will be provided from the topmost part of the conveyance to the lowest part of the tower or machinery over the hoistway;

(e) not be located wholly or partially in front of an entrance to a building;

(f)

(f) be plumb;

(g) be securely braced or guyed to the building or to other adequate anchorage at vertical spacings of not over forty feet; and

(h) have each guy wire of steel, a quarter of an inch or larger in diameter, securely attached at each end with rope clips, and with a turn-buckle to adjust its length.

#### Foundations

(21) Where part of a building or structure is used for a hoist foundation, it shall be constructed or reinforced to withstand any load that is likely to be placed upon it, and any space beneath a hoist foundation shall be enclosed to prevent any person from entering therein.

#### Access to sheaves

(22) Safe means of access to the overhead sheaves shall be provided by a ladder from the highest landing of the tower.

#### Assembling steel

(23) In the assembling of the segments of steel hoist towers, connections shall be made with bolts, pins or special devices to prevent the connections from accidentally disengaging.

#### Counterweight runways

(24) Where the counterweight runway is located within 36 inches of the building floor or landing, the entire length of the runway adjacent to the building shall be screened with wire mesh (16 gauge) that will reject a ball one and one half inches in diameter.

#### Counterweight guards

(25) Counterweight guards shall consist of a metal frame and No. 16 gauge sheet steel, or plywood three-quarters inch thick, properly reinforced and braced, and securely fastened in position.

#### Idem

(26) Guards shall be installed on all counterweight runways in the open side or sides at grade or working levels and extend to a height of at least eight feet above that level. *New.*

#### Hoistways

592.—(1) The hoistway of a construction hoist shall be enclosed,

(a) on sides not facing conveyance entrances at the lowest landing to a height of at least six feet; and

(b) on sides facing conveyance entrances, from the top of each landing opening to the under-

side

side of the next landing above or to the top of the hoistway, with No. 16 gauge wire mesh rejecting a ball one and a half inches in diameter and the mesh shall be securely fastened to the tower.

- (2) The enclosure described in clause *b* of subsection 1 <sup>Where enclosure not required</sup> may be omitted where the conveyance is equipped on its entrance sides with a door of the vertically sliding or horizontal-swinging type,
- (a) extending from within two inches of the conveyance floor to a height of not less than five feet;
  - (b) consisting of a metal frame and No. 16 gauge wire mesh that rejects a ball one and a half inches in diameter; and
  - (c) equipped with a positive locking device.
- (3) A hoistway within a building shall be fully enclosed, <sup>Wire mesh</sup> except at landing entrances, with No. 16 gauge wire mesh rejecting a ball one and a half inches in diameter or with substantial building materials having equivalent strength and openings.
- (4) The hoistway pit shall be deep enough to allow <sup>Pits</sup> the conveyance platform or bucket to descend to the proper level required for smooth loading and unloading at the lowest landing.
- (5) A substantial gate shall be provided at each entrance <sup>Requirements for hoistway gates</sup> to the hoistway of a construction hoist and shall,
- (a) extend from within two inches of floor level to a height of six feet;
  - (b) be of the vertically-lifting or horizontally-sliding type, or one-section horizontally-sliding type;
  - (c) not be of the vertically-collapsible type;
  - (d) reject a ball one and a half inches in diameter;
  - (e) be located between two and four inches of the landing platform; and
  - (f) provide minimum headroom clearance of six feet six inches when in the open position.

Counter-weights

- (6) A counterweight for a gate shall be so enclosed that it will be retained if its means of suspension fails.

Latches

- (7) Each gate shall be equipped with a mechanical latch to keep the gate in the closed position.

Contact light switches

- (8) Each landing gate shall be equipped with an electric contact switch that will turn on a light to indicate to the hoist operator when the gate is fully closed.

Landing platforms

- (9) A substantial landing platform shall be provided at each entrance to the hoistway of a construction hoist and shall,

(a) be securely fastened and safely supported at each end; and

(b) be at least equal in width to the hoistway entrance and have, except at the lowest landing, for at least five feet to each side, a guard railing forty-two inches in height and a toe-board five inches in height, with the space between the railing and the toe-board filled in completely and securely with No. 16 gauge wire mesh that rejects a ball one and a half inches in diameter or equal enclosure. *New.*

Conveyances

593.—(1) The conveyance of a construction hoist shall,

(a) be designed using a factor of safety of not less than five, based upon static loads and ultimate stresses of the materials;

(b) adequately support fifty or more pounds per square foot of conveyance floor area;

(c) operate in steel guides that will adequately withstand, without permanent deformation or damage, the application of the safety devices;

(d) be equipped with approved guide shoes or rollers adjusted to provide only the necessary running clearance between the shoes and the guide rails;

(e) be equipped with a safety device that will stop and sustain the conveyance when loaded to its maximum capacity should the means of suspension fail;

(f)

- (f) be located so that the clearance between the conveyance platform and the landing sill is not less than three-quarters of an inch and not more than two inches;
  - (g) be enclosed on each non-entrance side with a toe-board five inches in height and with No. 16 gauge wire mesh extending at least six feet in height above the conveyance floor and rejecting a ball one and a half inches in diameter or shall be enclosed with solid material of adequate strength;
  - (h) have an adequate hood, part of which may be hinged, composed of No. 10 gauge wire mesh rejecting a ball one and a half inches in diameter or composed of solid material of equivalent strength;
  - (i) be equipped with a door or doors at least five feet in height above the conveyance floor, when used for the handling of persons, and so arranged that the doors can not open outward;
  - (j) be equipped when conveying persons with safety devices activated by governors arranged to trip at 25 per cent above normal operating speed.
- (2) Where a wheelbarrow or other rolling equipment is to be transported, restraining cleats or blocks shall be provided on the conveyance platform. Cleats and blocks
- (3) All counterweights shall have their sections strongly bolted together, shall be so placed that they cannot fall on any part of the machinery and shall be suspended in guides in such a manner that they will run freely. *New.* Counter-weights
- 594.—(1) The hoisting rope or ropes of a construction hoist shall, Hoist ropes
- (a) safely support the maximum static load to be imposed upon it without exceeding the ultimate breaking strength of the rope divided by the factor of safety for a construction hoist rope as set forth in the table in clause *k*;
  - (b) be not less than one half inch in diameter and composed of not less than six strands each of nineteen steel wires;
  - (c)

- (c) where used on a drum hoist have at least three complete turns of rope on the drum when the conveyance is at its lowest point of travel;
- (d) be examined daily for kinks, broken wires or other physical defects;
- (e) be properly dressed and maintained in a safe working condition;
- (f) be protected from falling material and rope-ways shall be maintained free of all material;
- (g) not cross over or under ropes from other hoists;
- (h) not be spliced;
- (i) not encircle or be supported or guided by a sheave or drum whose diameter is less than twenty-four times the diameter of the rope in use;
- (j) be securely anchored at each end by approved means;
- (k) provide a factor of safety, when considering the static loadings involved, not less than required in the following table:

TABLE  
Minimum Factors of Safety for Hoisting Ropes

Rope Speed (Feet per Minute)	Minimum Factor of Safety		Rope Speed (Feet per Minute)	Minimum Factor of Safety	
	Workmen's Hoist	Materials Hoist		Workmen's Hoist	Materials Hoist
50	7.60	6.65	300	9.20	8.20
75	7.75	6.85	350	9.50	8.45
100	7.95	7.00	400	9.75	8.70
125	8.10	7.15	450	10.00	8.90
150	8.25	7.30	500	10.25	9.15
175	8.40	7.45	550	10.45	9.30
200	8.60	7.65	600	10.70	9.50
225	8.75	7.75	650	10.85	9.65
250	8.90	7.90	700	11.00	9.80

- (2) Where practicable, travelways and walkways shall <sup>Travelways</sup> be routed clear of ropes and the hoistman's view of the hoistway, but in any event, a safe travelway shall be provided.
- (3) No used rope shall be installed anew or used on a <sup>Used ropes</sup> newly installed hoist until its condition has been proven satisfactory by examination, electro-magnetic test, laboratory test or combination of these tests as required by the district electrical-mechanical engineer.
- (4) No rope shall be used where more than 5 per cent <sup>Broken wires in ropes</sup> of the total number of wires in any one lay of the rope are broken, or where visual inspection shows evidence of severe wear, corrosion, kink, or other possible cause of rope failure. *New.*

595.—(1) Electrical or mechanical means of signalling the <sup>Signals</sup> operator of a construction hoist shall be provided at each landing,

- (a) where the travel of the conveyance is more than thirty-five feet; or
- (b) where the hoist operator does not have a clear view of the landing.

(2) The following code shall be used to give signals to <sup>Code</sup> a hoist operator:

1 signal—Stop immediately if in motion.

1 signal—Hoist.

2 signals—Lower.

\*3 signals—Persons will be on conveyance, operate carefully.

\*(This signal to be given before persons enter the conveyance).

- (3) Where the operator does not have a clear view of all the hoistway landings, the operator shall have <sup>Voice communication</sup> voice communication with each landing, but movement of the conveyance shall be made upon signal only.
- (4) The voltage of the signal system shall not exceed <sup>Voltage</sup> 30 volts. *New.*

## SPECIFICATIONS

Specifications

596.—(1) Every construction hoist shall be,

- (a) equipped with a permanent tag or nameplate showing the horse power of the driving unit;
- (b) securely fastened to its foundation;
- (c) equipped with a brake or brakes that will stop and hold the conveyance when 150 per cent loaded, at every position in the hoistway;
- (d) if electrically driven, so arranged that the brake or brakes will be applied automatically in case of power failure;
- (e) if of a drum winder type, equipped with drum flanges of a height sufficient to provide a clearance of not less than twice the nominal diameter of the rope above the top layer of rope on the drum;
- (f) equipped with a device to indicate to the operator,
  - (i) position of conveyance in the hoistway,
  - (ii) limits of travel,
  - (iii) position at which underwind and overwind protective devices operate, and
  - (iv) position of all points at which landings may be made;
- (g) when the hoisting drum is of the free-running type, equipped with a pawl or other device that will hold the conveyance with its maximum load at any point in the hoistway;
- (h) provided with a disconnect switch at each location, wired in series, when the machine and the controller are in separate locations.
- (i) equipped with limit switches;
- (j) properly guarded to prevent injury to persons from gearing, shafting or other equipment;
- (k)

- (k) capable of lifting the conveyance and its maximum allowable load, and it shall not be loaded beyond its rated capacity;
  - (l) not operated until the hoistway is provided with adequate overwind and underwind clearance;
  - (m) not used for the transportation of men at any time, unless equipped as a workmen's hoist.
- (2) Every workmen's hoist, in addition to the requirements of section 591, shall be, Workmen's hoists additional requirements
- (a) equipped with two or more ropes;
  - (b) equipped with overwind and underwind limit switches activated by the movement of the conveyance or counterweight, and in the latter case, the overwind protective device may be located at the lower end of travel;
  - (c) equipped with a speed control device which shall automatically return to the "off" or "neutral" position when released;
  - (d) equipped with a slack rope device, a reverse phase relay and a stop motion switch where the hoist is of the drum winding type;
  - (e) so arranged that the brake or brakes shall be applied automatically in case of failure of electrical supply to the safety circuit, and one brake shall be mechanically applied and electrically released;
  - (f) so arranged that the power unit shall drive the hoist drum when the conveyance is being raised or lowered and no mechanism for disconnecting the hoist drum from the power unit shall be available;
  - (g) not used for the purpose of handling men and materials simultaneously with the exception of hand tools;
  - (h) not operated until the hoistway is provided with,
    - (i) buffers in the pit,
    - (ii) a counterweight guard at the bottom of the hoistway, and
    - (iii)

(iii) an electro-mechanical interlock on each landing gate or a means to lock the gate mechanically so that it cannot be opened from the landing side unless the conveyance is at the landing, but at the lowest landing means of unlocking the gate from the landing side shall be provided;

(i) inoperable unless the conveyance doors and hoistway gates at all landings are fully closed;

(j) so arranged that control of the movement of the conveyance shall be by a conveyance-switch or push-button located in the conveyance with or without a push-button at each landing;

(k) provided with a Machinery Record Book in which shall be recorded inspections, tests, and other data as required.

Concrete  
bucket  
hoists

(3) The requirements of this Part applicable to construction hoists apply also to concrete bucket hoists, except that a conveyance safety device shall not be required.

Idem

(4) No person shall ride in or on a concrete bucket, except any person engaged in maintenance or repair work.

Chimney  
hoists

(5) The plans and specifications for chimney hoists and the general arrangements of the installation shall be submitted to the chief engineer for approval before being put into use.

Tower  
booms

(6) The bottom fastening of a boom to the tower shall be located at a level where guy ropes are fastened at horizontal girts, and the upper fastening for the boom shall be located at a distance not less than one-half the length of the boom above its bottom fastening and at a level where guy ropes are fastened at horizontal girts.

(7) The boom and its associated equipment shall be of an approved design and construction and operated in a safe manner.

(8) A qualified person shall be in charge of the operation of the boom. *New.*

## GENERAL

- 597.—(1) No person shall wilfully damage or, without <sup>Wilful damage to property</sup> proper authority, remove or render useless any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam gauge, water gauge, safety valve, electrical equipment, fire-fighting equipment, first-aid equipment or other appliance or thing provided at a mine or plant in compliance with this Act. 1961-62, c. 81, s. 595.
- (2) No person under the influence of or carrying in- <sup>Persons under the influence of or carrying liquor</sup> toxicating liquor shall enter a mine or be in the proximity of a working place on the surface or near machinery in motion. 1961-62, c. 81, s. 596.
- (3) Abstracts of the provisions of this Act, authorized <sup>Abstracts to be posted</sup> by the chief engineer, shall be posted up in suitable places at the mine or works where they can be conveniently read, and the owner, agent or manager of the mine shall maintain such abstracts duly posted, and the removal or destruction of any of them is an offence against this Act. 1961-62, c. 81, s. 597.
- (4) The owner, agent or manager of a mine or plant shall <sup>Act available</sup> maintain a copy or copies of Parts IX and XI of this Act at each mine or plant and such Parts shall be available for reference on request by any employee.
- (5) The owner, agent or manager of a mine or plant shall <sup>Name of district engineer posted</sup> maintain a notice at each mine or plant in suitable places setting out the name, address and telephone number of the district engineer for the mine or plant. *New.*
- (6) The Minister may prescribe the charge to be made <sup>Charges</sup> for any record or log book required under this Part. 1961-62, c. 81, s. 598.

## TESTING LABORATORIES

598. The Minister may, out of the moneys that are <sup>Testing laboratories</sup> appropriated for the purpose, establish, maintain and operate one or more laboratories for the purpose of testing or examining hoisting ropes or other appliances used in or about a mine and, by regulations made by the Lieutenant Governor in Council, may provide for,
- (a) the management and operation of such laboratory or laboratories;

(b)

- (b) the charges to be paid for services performed in such laboratory or laboratories;
- (c) such other purposes as the Lieutenant Governor in Council deems proper. 1961-62, c. 81, s. 599.

## PARTY WALLS

## Boundary operations

599.—(1) Subject to section 195 and except by agreement under subsection 3, no mining operations shall be carried on within a distance from the property boundary of a mine or mining property of twice the width or thickness of the orebody at the boundary, measured parallel to the boundary from foot wall to hanging wall and normal to the dip, and in no event shall mining operations be carried on within a distance of twenty feet from the boundary measured from the perpendicular to the boundary,

- (a) except that, for the purposes of preliminary investigation, development headings may be advanced to twenty feet from the boundary; and
- (b) except that exploratory diamond drilling may be done.

## Exception

(2) Subsection 1 does not apply to operations at sand, gravel or clay pits or open-cast rock quarries. 1961-62, c. 81, s. 600 (1, 2).

## Agreement by adjoining owners or their agents

(3) Adjoining owners or their agents may, by agreement in writing signed by them, carry on mining operations within the distances from the property boundary mentioned in subsection 1.

## Certified copies to chief engineer

(4) Two certified copies of every such agreement shall be sent to the chief engineer. 1961-62, c. 81, s. 600 (3, 4), *amended*.

## Disagreement on boundary operations

600.—(1) Where adjoining owners or their agents are unable to agree to carry on mining operations within the distances from the property boundary mentioned in subsection 1 of section 599, application may be made to the Minister by either owner or his agent requesting the appointment of a committee to investigate in what manner and within what distances from the boundary mining operations may be carried on. 1961-62, c. 81, s. 601 (1), *amended*.

## Appointment of committee

(2) Upon receipt of an application under subsection 1, the Minister may appoint a committee of three disinterested persons, one of whom shall be designated chairman, who are competent to investigate mining conditions at the boundary.

- (3) The committee so appointed shall hear representations from the adjoining owners and conduct such investigation of mining conditions on the adjoining mining properties as may be necessary at a time or times named by the Minister. <sup>Duty of committee</sup>
- (4) Upon completion of their investigation, the committee shall forthwith submit a report in writing to the Minister with recommendations concerning terms and conditions of mining operations at the boundary. <sup>Report of committee</sup>
- (5) Upon receipt of the report of the committee, the Minister may issue an order establishing the terms and conditions to be observed in mining operations at the boundary and shall fix the costs of the committee to the adjoining owners. 1961-62, c. 81, s. 601 (2-5). <sup>Order of Minister</sup>
- 601.—(1) Where the owner or his agent of a mine or mining property has reason to believe that a breach has been made in or a trespass has been committed with respect to the party wall between his mine or mining property and an adjoining mine or mining property, application may be made to the Minister by the owner for the appointment of a committee to examine the party wall and enter the adjoining mines or mining properties with an assistant or assistants and use where necessary the workings and appliances thereof. 1961-62, c. 81, s. 602 (1), *amended*. <sup>Suspected breach or trespass of party wall</sup>
- (2) Upon receipt of an application under subsection 1, the Minister may appoint a committee of three disinterested persons, one of whom shall be designated chairman, who are competent to conduct such examination of the party wall as may be necessary. <sup>Appointment of committee</sup>
- (3) The committee so appointed shall conduct such examination of the party wall as may be necessary at a time or times named by the Minister. <sup>Duty of committee</sup>
- (4) Upon completion of the examination the committee shall forthwith submit a report of its findings in writing to the Minister. <sup>Report of committee</sup>
- (5) Upon receipt of the report of the committee, the Minister shall fix the costs of the committee to one or both owners. <sup>Costs</sup>
- (6) Where a breach has been made in a party wall of a mine by the owner of an adjoining mine, or by his <sup>Breach of party wall</sup>

employees or agents, without the permission in writing of the owner of the first-mentioned mine or without authority under this Act, the Minister may make an order directing the offending owner to close the breach permanently or to carry out such measures as the Minister deems necessary to prevent water from flowing into the mine of the owner complaining of the breach.

Minister  
may  
authorize  
entry

- (7) Where work has been discontinued in the mine of the offending owner or where expedient for any other reason, the Minister may authorize the owner complaining of the breach, his employees or agents, to enter the mine and works of the offending owner to erect bulkheads and carry out such measures as the Minister deems necessary to protect from damage the mine of the owner complaining of the breach and his employees and agents from danger from from accumulations of water in the mine of the offending owner. 1961-62, c. 81, s. 602 (2-7).

Minister  
may vary or  
rescind  
order

602. For good cause shown and upon such terms as seem just, the Minister may vary or rescind an order made under section 600 or 601. 1961-62, c. 81, s. 603.

#### BRINE WELLS

Interpre-  
tation

- 603.—(1) In this section,

- (a) "brine well" means a hole or opening in the ground for use in brining;
- (b) "brining" means the extraction of salt in solution by any method. 1961-62, c. 81, s. 604 (1).

Permit to  
bore or drill  
a brine well

- (2) No person shall drill or bore a brine well except under the authority of a permit in writing issued by the chief engineer upon application therefor in the prescribed form. 1961-62, c. 81, s. 604 (2), *amended*.

Permits not  
issued

- (3) A permit shall not be issued,
- (a) to authorize a person to drill or bore a brine well on property in which he does not own, hold or lease, or is not otherwise entitled to, the mining rights; or
- (b) where the proposed brine well is nearer the boundary of such property than 500 feet.

- (4) The chief engineer may reduce or extend the distance referred to in clause *b* of subsection 3 where in his opinion it is advisable to do so and shall notify the applicant of any such reduction or extension within thirty days from the date upon which the application for the permit is filed. Location of brine well
- (5) A permit is subject to the condition that the brine well in respect of which it is issued is bored or drilled in the location described in the permit. 1961-62, c. 81, s. 604 (3-5). Condition of permit
- (6) A permit shall be issued or refused within thirty days from the date on which the application therefor is filed, except that, where notice has been given by the chief engineer under subsection 4, the permit shall be issued upon the receipt by the chief engineer of the applicant's consent thereto. 1961-62, c. 81, s. 604 (6), *amended*. Time for issuance of permit
- (7) Where a person drills or bores a brine well, he shall forward a log of the drilling or boring in the prescribed form in duplicate to the chief engineer within thirty days of the completion of the drilling or boring operations, and, upon his request in writing, the log shall be confidential for a period of six months. Log of drilling operations
- (8) A person boring or drilling a brine well shall take such reasonable measures as are necessary to control the infiltration of water from one horizon to any other horizon that may be penetrated during the drilling or boring operations. Protection of water horizons
- (9) All brine wells shall be cased and equipped so as to reasonably ensure against the uncontrolled flow of oil, natural gas, brine or water. Protection of deposits
- (10) Casing and equipment shall be in good condition and of a thickness and strength adequate to withstand any fluid pressure to which they might normally be subjected. Standard of casing and equipment
- (11) Where practicable, all brine wells shall be plugged by the person operating them, before being abandoned, in a manner that will, Plugging of abandoned wells
- (a) reasonably ensure that salt horizons and potential oil or natural gas producing horizons are protected; and
  - (b) retain water and brine in their original formations.

Report of  
proposed  
plugging

- (12) Before commencing to plug a brine well, the person proposing to carry out the plugging operations shall report the particulars thereof to the chief engineer in the prescribed form.

Record of  
plugging  
operations

- (13) Where a person plugs a brine well, he shall forward a record of the plugging in the prescribed form in duplicate to the chief engineer within thirty days of the completion of the plugging operations. 1961-62, c. 81, s. 604 (7-13).

#### FATAL ACCIDENTS

Notice

- 604.—(1) The manager or other person in charge of a mine or plant wherein or in connection wherewith a fatal accident occurs shall forthwith notify a coroner having jurisdiction in the place where the accident occurred.

Inquest

- (2) Where a fatal accident occurs in or in connection with a mine or plant, an inquest shall be held.

Right of  
engineer  
re inquest

- (3) The engineer and any person authorized to act on his behalf are entitled to be present and to examine or cross-examine any witness at an inquest held concerning a death caused by an accident at a mine or plant, and, if the engineer or someone on his behalf is not present, the coroner shall, before proceeding with the evidence, adjourn the inquest and give the Deputy Minister not less than four days notice of the time and place at which the evidence is to be taken.

Notice of  
fatal  
accidents

- (4) Where, in or about a mine, plant, quarry, or sand, clay or gravel pit, an accident occurs that causes loss of life to a person employed thereat, the owner, agent, manager or superintendent thereof shall immediately notify the engineer resident in that part of Ontario in which the accident occurred and the chief engineer by telephone or telegraph.

Scene to be  
undisturbed

- (5) Subject to subsection 6, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, destroy, carry away or alter the position of any wreckage, article or thing at the scene of or connected with the accident until the engineer has completed an investigation of the circumstances surrounding the accident.

- (6) Where it is impossible for the engineer to make an immediate investigation of an accident, the chief engineer or engineer may permit the wreckage, article and things at the scene of or connected with the accident to be moved to such extent as is necessary to permit the work of the mine, plant, quarry, or sand, clay or gravel pit, to be proceeded with, if photographs or drawings showing details of the scene of the accident have been made prior to the moving. 1961-62, c. 81, s. 169, *amended*.

#### NON-FATAL ACCIDENTS

605. Where, in or about a mine, plant, quarry, or a sand, clay or gravel pit, an accident occurs to a person employed therein that causes fracture or dislocation of any bones of the body, or any other injury that in the opinion of the attending physician may result in the injured person being incapacitated for regular work for at least one day, the owner, agent or manager shall within three days of the accident send notice in writing to the engineer resident in that part of Ontario in which the mine, plant, quarry or pit is situate on the form prescribed for such purpose. 1961-62, c. 81, s. 605, *amended*.

#### SPECIAL OCCURRENCES

- 606.—(1) Where, in or about a mine or plant,
- (a) an accident involving the hoist, sheaves, hoisting rope, shaft or winze conveyance, or shaft or winze timbering;
  - (b) an explosion or fire involving an air compressor, air receiver or compressed air line;
  - (c) an inrush of water from old workings or otherwise;
  - (d) a failure of an underground dam or bulkhead, as defined by subsection 1 of section 278;
  - (e) an outbreak of fire below ground or an outbreak of fire above ground if it endangers any structure of the mine plant;
  - (f) a premature or unexpected explosion or ignition of explosives or blasting agents;

(g)

- (g) an asphyxiation effecting a partial or total loss of physical control;
- (h) a flammable gas in the mine workings;
- (i) an unexpected and non-controlled extensive subsidence or caving of mine workings; or
- (j) a failure or incident which causes, or threatens to cause, injury to personnel or damage to major equipment or property involving,
  - (i) electrical equipment,
  - (ii) standard gauge railway equipment, or
  - (iii) crane equipment,

occurs, whether or not loss of life or personal injury is caused thereby, the owner, agent or manager of the mine shall, within the twenty-four hours next after the occurrence, send notice in writing in duplicate to the engineer resident in that part of Ontario in which the mine or plant is situate and shall furnish, upon request, such particulars in respect thereof as the engineer requires.

Notice of  
fire and  
need of  
rescue  
equipment

- (2) Where, in or about a mine, an outbreak of fire occurs that endangers the health or safety of one or more persons and the services of the mine rescue stations are required, the manager shall immediately notify the mine rescue training officer and the district mining engineer resident in that part of Ontario in which the mine is situate.

Rockburst

- (3) Where a rockburst occurs, whether or not loss of life or personal injury is caused thereby, and its location is determined as being within the workings of a mine, the manager of the mine shall, within the twenty-four hours next after the location of the burst has been determined, send notice in writing to the district mining engineer resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars with respect thereto as the engineer requires.

Record of  
rockbursts

- (4) A record of the occurrence of all rockbursts at a mine shall be kept, showing, as far as possible, the time, location, extent of the burst, any injury to persons and any other information pertaining to the

burst

burst, and such record shall be available to the district mining engineer at all times. 1961-62, c. 81, s. 606, *amended*.

#### OTHER NOTICES AND INFORMATION

607.—(1) The owner or agent of a mine or plant shall give <sup>Written notice by owner or agent</sup> or cause the manager to give to the chief engineer and to the district mining engineer resident in that part of Ontario in which the mine or plant is situate, written notice of,

- (a) (i) the intended installation of, including the specifications and layout of,
  - 1. any mine hoisting facilities,
  - 2. any power supply facilities, and
  - 3. any ore treatment facilities,
- (ii) the lot, concession and township on which the operations are to commence,
- (iii) the name and address of the person in charge;
- (b) the connection or reconnection of any mining electrical equipment with a source of electrical energy controlled by any other person, at least fourteen days prior to the connection or reconnection;
- (c) the commencement, or resumption after an interruption of one month or more, of mining operations, within fourteen days after the commencement or resumption; and
- (d) the closing down of the mine and that,
  - (i) the requirements of subsection 1 of section 168 as to the fencing of the top of the shaft, entrances from the surface, pits and openings,
  - (ii) the requirements of section 289 as to the disposal of explosives and blasting agents,
  - (iii) the requirements of section 351 as to the abandonment of a shaft compartment for hoisting purposes and as to the removal and disposition of hoisting ropes,

(iv)

(iv) the requirements of section 425 as to the disconnection of the supply station from the power source and notification of same to the chief engineer, and

(v) the requirements of subsections 7 and 8 of section 609 as to the filing of plans and sections,

have been complied with within fourteen days of the closing down.

Information  
for  
engineer

(2) The owner, agent or manager of a mine or plant shall furnish to the engineer resident in that part of Ontario in which the mine or plant is situate all information that the engineer requires for the purposes of his returns. 1961-62, c. 81, s. 607, *amended*.

#### STATISTICAL RETURNS

Statistical  
returns

608.—(1) For the purpose of their tabulation, under the instruction of the Minister, the owner, agent or manager of every mine, plant, pit, quarry or other works to which this Act applies shall, on or before the 31st day of March in every year, send to the Department on the forms supplied a correct return for the year that ended on the 31st day of December next preceding, showing the number of persons ordinarily employed below and above ground respectively, the total amount of wages paid during the year, the quantity in standard weight of the minerals dressed and of the undressed mineral that has been sold, treated or used during such year, and the value or estimated value thereof, and such other particulars as the Minister by regulation prescribes.

Monthly or  
quarterly  
returns

(2) The owner, agent or manager of every metalliferous mine shall, if required, make a similar return for the month or quarter at the end of each month or quarter of the calendar year.

Offence

(3) Every owner, agent or manager of a mine, plant, pit, quarry or other works who fails to comply with this section, or makes a return that is to his knowledge false in any particular, is guilty of an offence against this Act. 1961-62, c. 81, s. 608, *amended*.

#### MINE OR PLANT PLANS

Plans to be  
kept

609.—(1) At every mine, the owner, agent or manager shall cause the following plans on a scale acceptable to the

chief

chief engineer to be kept up to a date not more than six months last past:

1. A surface plan showing the boundaries of the property, the co-ordinates of the section of property under which mining has been done, all lakes, streams, roads, railways, electric power transmission lines, main pipe lines, buildings, adits, open surface workings, diamond-drill holes, outcroppings of rock, dumps, tailings-disposal sites and shafts, the latter having been geographically located by connection with a survey on record with the Department.
  2. The method of capping any opening shall be described on the plans referred to in item 1.
  3. Underground plans of each level and section showing all underground workings, including shafts and tunnels, diamond-drill holes, dams and bulkheads, and each level plan shall be shown on a separate drawing.
  4. Vertical mine sections at suitable intervals and at suitable azimuths, showing all shafts, tunnels, drifts, stopes and other mine workings in relation to the surface, including the location of the top of the bedrock, surface of the overburden and the bottom and surface of any known watercourse or body of water, and each section shall be shown on a separate drawing.
  5. Adequate ventilation plans, showing the direction and volume of the main air currents, the location of permanent fans, ventilation doors and stoppings, and connections with adjacent mines.
- (2) The owner, agent or manager of every mine in which <sup>idem</sup> electricity is used underground shall keep or cause to be kept up to a date not more than six months last past an adequate plan or diagram showing on a suitable scale the following information:
1. The position of all fixed electrical apparatus in the mine.
  2. The routes of all fixed power feeders and fixed branch feeders properly noted and referenced.

3. The rating of all electrical feeder control apparatus and equipment.

Idem

- (3) Such plans or diagrams shall be available to the district electrical-mechanical engineer at all times and copies of the plans or diagrams shall be furnished him upon request.

Plans to be available to engineer

- (4) On any examination or inspection of a mine or plant, the owner, agent or manager shall, if required, produce to the engineer or other person authorized by the Minister or the Deputy Minister all plans and sections of the workings referred to in subsections 1, 2 and 3.

Marking subsequent progress on plan

- (5) The owner, agent or manager shall, if required by the engineer or other person authorized by the Minister or Deputy Minister, cause to be marked on such plans and sections the progress of the mine up to the time of the examination or inspection, and shall furnish him with a copy or tracing thereof.

Plans of working mines to be filed

- (6) A certified copy of the plans required by paragraph 3 of subsection 1 and mine sections showing all shafts as required by paragraph 4 of subsection 1 shall be made and forwarded to the chief engineer on or before the 31st day of March in each year, showing the workings of the mine up to and including the 31st day of December next preceding.

Plans to be filed before abandonment

- (7) Before a mine or part of a mine is abandoned, closed down or otherwise rendered inaccessible, all underground plans and sections referred to in paragraphs 3 and 4 of subsection 1 shall be brought up to date and two certified copies forwarded, one to the chief engineer, the other to the district mining engineer.

Idem

- (8) Before work at a mine ceases, the surface plan referred to in paragraph 1 of subsection 1 showing all openings to underground workings shall be brought up to date and two certified copies forwarded, one to the chief engineer, the other to the district mining engineer.

Responsibility of owner

- (9) The owner, agent or manager of every mine, plant, pit, quarry or other works to which this section applies is responsible for compliance with the provisions thereof and every owner, agent or manager or other person who fails to comply with any of the

provisions of this section, or who produces to an engineer or other authorized person, or files or causes to be produced or filed, a plan that to his knowledge is false in any particular is guilty of an offence against this Act.

- (10) Every such plan shall be treated as confidential information for the use of the officers of the Department and shall not be exhibited, nor shall any information contained therein be imparted to any person except with the written permission of the owner or agent of the mine or plant. 1961-62, c. 81, s. 609, *amended*. Plans to be treated as confidential

#### POWERS AND DUTIES OF ENGINEERS

610.—(1) It is the duty of the engineer and he has power, Powers of engineer

- (a) to make such examination and inquiry as he deems necessary to ascertain whether this Act is complied with, and to give notice in writing to the owner, agent or manager of any particulars in which he considers the mine or plant or any part thereof, or any matter, thing or practice, to be dangerous or defective or contrary to this Act, and to require the same to be remedied within the time named in the notice;
- (b) to enter, inspect and examine any mine or plant or any part thereof at any reasonable time by day or night, but so as not to unnecessarily impede or obstruct the working of the mine or plant;
- (c) to order the immediate cessation of work in and the departure of all persons from any mine or plant or part thereof that he considers unsafe, or to allow persons to continue to work therein on such precautions being taken as he deems necessary; and
- (d) to exercise such other powers as he deems necessary for ensuring the health and safety of miners and all other persons employed in or about mines, plants, pits, quarries or other works.

- (2) It is the duty of the engineer to make a report of every examination and inquiry made in the course of his duties during the year to the Minister, the Deputy Minister or the chief engineer, as required by Reports of engineer

the

the circumstances, immediately upon the completion of the examination or inquiry. 1961-62, c. 81, s. 610, *amended*.

Special  
report

611.—(1) The Minister may direct an engineer to make a special report with respect to any accident in or about a mine or plant that has caused the loss of life or injury to any person, or with respect to any condition in or about a mine or plant. 1961-62, c. 81, s. 611 (1), *amended*.

Engineer  
may take  
evidence

(2) In conducting the inquiry, the engineer has power to compel the attendance of witnesses and the production of books, documents and things, and to take evidence upon oath. 1961-62, c. 81, s. 611 (2).

Offence

612.—(1) Non-compliance with a written order of the engineer issued in accordance with section 610 shall be deemed an offence against this Part.

Idem

(2) Failure to give written notice of the completion of any work in accordance with a written order of the engineer issued under section 610 shall be deemed an offence against this Part. 1961-62, c. 81, s. 612.

R.S.O. 1960,  
c. 241,  
Pt. XI  
(1961-62,  
c. 81, s. 1),  
re-enacted

**3.** Part XI of *The Mining Act*, as re-enacted by section 1 of *The Mining Amendment Act, 1961-62*, is repealed and the following substituted therefor:

## PART XI

### OFFENCES, PENALTIES AND PROSECUTIONS

Offences

620.—(1) Every person who,

- (a) prospects, occupies or works any Crown lands or mining rights for minerals otherwise than in accordance with this Act;
- (b) performs or causes to be performed on any Crown lands, or on any lands where the mining rights are in the Crown, any boring by diamond or other core drill for the purpose of locating valuable mineral in place, except where such Crown lands or mining rights have been staked out and recorded as a mining claim in accordance with this Act;
- (c) wilfully defaces, alters, removes or disturbs any post, stake, picket, boundary line, figure,

writing

writing or other mark lawfully placed, standing or made under this Act;

- (d) wilfully pulls down, injures or defaces any rules or notices posted up by the owner, agent or manager of a mine or plant;
- (e) wilfully obstructs the Commissioner or any officer appointed under this Act in the execution of his duty;
- (f) being the owner or agent of a mine, refuses or neglects to furnish to the Commissioner or to any person appointed by him or to any officer appointed under this Act the means necessary for making an entry, inspection, examination or inquiry in relation to a mine under this Act, other than Part IX;
- (g) unlawfully marks or stakes out in whole or in part a mining claim, a placer mining claim, or an area for a boring permit;
- (h) wilfully acts in contravention of this Act, other than Part IX or Part X, in any particular not hereinbefore set forth;
- (i) wilfully contravenes any provision of this Act or any regulation for the contravention of which no other penalty is provided;
- (j) wilfully makes any material change in the wording or numbering of a miner's licence after its issue; or
- (k) attempts to do any of the acts mentioned in the foregoing clauses,

is guilty of an offence against this Act and is liable to a fine of not more than \$20 for every day upon which the offence occurs or continues. 1961-62, c. 81, s. 620 (1), *amended*.

- (2) Every person who knowingly makes a false statement<sup>False statements</sup> in an application, certificate, report, statement or other document filed or made as required by or under this Act or the regulations is guilty of an offence and is liable to a fine of \$500 or to imprisonment for a term of not more than six months, or to both. 1961-62, c. 81, s. 620 (2).

## Smelters

621.—(1) No person shall construct or cause to be constructed a plant for the smelting, roasting, refining or other treatment of ores or minerals that may result in the escape or release into the open air of sulphur, arsenic or other fumes in quantities that may injure trees or other vegetation unless and until the site of the plant has been approved by the Lieutenant Governor in Council.

## Offence

(2) Every person who constructs or causes to be constructed a plant for the smelting, roasting, refining or other treatment of ores or minerals, without the approval of the Lieutenant Governor in Council, and sulphur, arsenic or other fumes escape or are released therefrom into the open air and injure trees or other vegetation is guilty of an offence and is liable to a fine of not more than \$1,000 for every day upon which such fumes escape or are released therefrom into the open air. 1961-62, c. 81, s. 621.

Disobeying  
order or  
award of  
Commis-  
sioner

622. Every person who wilfully neglects or refuses to obey any order or award of the Commissioner, except for the payment of money, is, in addition to any other liability, liable to a fine of not more than \$250 and, upon conviction thereof, is liable to imprisonment for a term of not more than six months unless the fine and costs are sooner paid. 1961-62, c. 81, s. 622.

Use of word  
"Bureau"  
prohibited

623.—(1) No person who,

- (a) carries on the business of mining or dealing in mines, mining claims, mining lands, or mining rights, or the shares, stocks, or bonds of a mining company; or
- (b) acts as broker or agent in or for the disposal of mines, mining claims, mining lands, or mining rights, or of any such shares, stocks or bonds; or
- (c) offers or undertakes to examine or report on a mine, mining claim, mining land or mining rights,

shall use the word "Bureau" as the name or title or part of the name or title under which he acts or carries on business.

## Offence

(2) Every person who contravenes any of the provisions of this section is guilty of an offence and is liable to a fine of not more than \$20 for every day upon which

the offence occurs or continues. 1961-62, c. 81, s. 623.

- 624.—(1) In this section, the noun “mine” includes Interpre-  
tation “plant” as defined in Part IX. *New.*
- (2) An owner, agent or other person who contravenes Penalty for  
offence  
against  
Part IX any provision of Part IX is guilty of an offence and is liable to a fine of not more than \$1,000.
- (3) Where the Deputy Minister or an engineer has given Additional  
penalty for  
continuing  
offence written notice to an owner or agent or a person engaged or employed in or about a mine that an offence has been committed against Part IX, such owner or agent or other person is liable to a further fine of not more than \$100 for every day upon which the offence continues after such notice.
- (4) An owner, agent or other person is, upon conviction, Imprison-  
ment liable to imprisonment for a term of not more than three months unless the fine and costs are sooner paid.
- (5) Where the offence is one that might have endangered Imprison-  
ment of  
offender  
against  
Part IX  
in certain  
cases the safety of those employed in or about the mine or caused serious personal injury or a dangerous accident, and was committed wilfully by the personal act, default or negligence of the accused, every person who is guilty of an offence against Part IX is, in addition to or in substitution for any fine that may be imposed, liable to imprisonment with or without hard labour for a term of not more than three months. 1961-62, c. 81, s. 624.
- 625.—(1) No prosecution shall be instituted for an offence Instituting  
prosecutions  
for offences against Part IX or Part X or any regulation made in pursuance thereof except,
- (a) by an engineer;
  - (b) by direction of the county or district Crown attorney; or
  - (c) by the leave in writing of the Minister of Justice and Attorney General,
- or for an offence against any other provision of this Act or of any regulation made in pursuance thereof except,

(d)

(d) by or by leave of the Commissioner or a recorder;

(e) by direction of the county or district Crown attorney; or

(f) by leave of the Minister of Justice and Attorney General.

When  
person not  
actual  
offender not  
liable

(2) No person not being the actual offender is liable in respect of such offence if he proves that he did not participate in the contravention of the provision for a breach of which he is charged and that he was not to blame for the breach and that according to his position and authority he took all reasonable means in his power to prevent the breach and to secure compliance with the provisions of Part IX or Part X.

Onus of  
proof

(3) The burden of proving that the provisions of sections 172 to 596 have been suspended is upon the person charged with a contravention thereof and any such suspension may be proved by the evidence or certificate of an engineer. 1961-62, c. 81, s. 625.

Procedure  
on  
prosecutions

626. Except as to offences against section 14, every prosecution for an offence against or for the recovery of a penalty imposed by or under the authority of this Act shall take place before a provincial judge or before the Commissioner, and, save as herein otherwise provided, *The Summary Convictions Act* applies to every such prosecution. 1961-62, c. 81, s. 626, amended.

R.S.O. 1960,  
c. 387

Commence-  
ment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

5. This Act may be cited as *The Mining Amendment Act, 1970*.

## CHAPTER 80

**An Act to amend  
The Consumer Protection Act, 1966**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Consumer Protection Act, 1966* is amended by <sup>1966, c. 23,  
amended</sup> adding thereto the following section:

30a.—(1) In this section,

Interpre-  
tation

(a) “credit” means the advancing of money, goods or services to or on behalf of another for repayment at a later time, whether or not there is a cost of borrowing, and includes variable credit;

(b) “unsolicited goods” means personal property furnished to a person who did not request it and a request shall not be inferred from inaction or the passing of time alone, but does not include,

(i) personal property that the recipient knows or ought to know is intended for another person, or

(ii) personal property supplied under a contract in writing to which the recipient is a party that provides for the periodic supply of personal property to the recipient without further solicitation.

(2) No action shall be brought by which to charge any <sup>Credit  
arrangement</sup> person upon any arrangement for the extension of credit evidenced by a credit card unless the person to

whom

whom credit is to be extended requested or accepted the credit arrangement and card in writing, and the obtaining of credit by the person named in the credit card shall be deemed to constitute such written acceptance by him.

Use of  
unsolicited  
goods

- (3) No action shall be brought by which to charge any person for payment in respect of unsolicited goods notwithstanding their use, misuse, loss, damage or theft.

Relief  
from legal  
obligations

- (4) Except as provided in this section, the recipient of unsolicited goods or of a credit card that has not been requested or accepted in accordance with subsection 2 has no legal obligation in respect of their use or disposal.

Application  
of section

- (5) This section applies in respect of credit cards and unsolicited goods received after this section comes into force.

Commence-  
ment

**2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**3.** This Act may be cited as *The Consumer Protection Amendment Act, 1970*.

## CHAPTER 81

**An Act to amend The Conditional Sales Act**

*Assented to November 13th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—**(1) Section 1 of *The Conditional Sales Act* is amended by adding thereto the following clauses: R.S.O. 1960,  
c. 61, s. 1,  
amended

(ba) “prescribed form” means a form provided or approved under this Act by the registrar;

. . . . .

(ca) “registrar” means the registrar of personal property security appointed under *The Personal Property Security Act, 1967*. 1967, c. 73

(2) The said section 1 is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 61, s. 1,  
amended

(2) Any reference in this Act to the Provincial Secretary shall be deemed to be a reference to the Minister of Financial and Commercial Affairs. Reference to  
Provincial  
Secretary

**2.—**(1) Subclause i of clause a of subsection 1 of section 2 of *The Conditional Sales Act*, as re-enacted by section 1 of *The Conditional Sales Amendment and Repeal Act, 1967*, is amended by striking out “full” so that the subclause shall read as follows: R.S.O. 1960,  
c. 61, s. 2,  
subs. 1, cl. a  
(1967, c. 11,  
s. 1),  
sub.cl. i,  
amended

(i) the name and address of the purchaser.

(2) Subclause ii of clause a of subsection 1 of the said section 2 is amended by striking out “full” in the first line, so that the subclause shall read as follows: R.S.O. 1960,  
c. 61, s. 2,  
subs. 1, cl. a  
(1967, c. 11,  
s. 1),  
sub.cl. ii,  
amended

(ii) the name and address of the seller and of his assignee, if any.

Where  
names, etc.,  
not set  
forth in full

(3) A contract registered on or after the 1st day of January, 1968, and before the day this section comes into force is not invalidated nor is its effect destroyed by reason only of a failure to set forth therein in full the name and address of the purchaser or the seller or his assignee unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the contract, and in such case the judge or court may make such order as the judge or court considers appropriate.

R.S.O. 1960,  
c. 61, s. 2,  
subs. 5,  
re-enacted

(4) Subsection 5 of the said section 2 is repealed and the following substituted therefor:

Consumer  
goods, etc.

(5) Clause *b* of subsection 1 does not apply to a contract that is executed on or after the 1st day of January, 1971,

(a) respecting goods that are used or acquired for use primarily for personal, family or household purposes where the amount secured by the contract does not exceed \$300; or

(b) respecting goods that are used or acquired for use other than for personal, family or household purposes and the goods are,

(i) manufactured goods, including pianos, organs and other musical instruments, that at the time possession is delivered have the name and address of the seller painted, printed, stamped or engraved thereon or plainly attached thereto, or

(ii) household furniture other than pianos, organs and other musical instruments.

R.S.O. 1960,  
c. 61, s. 5,  
subs. 1  
(1967, c. 11,  
s. 2),  
re-enacted

**3.—**(1) Subsection 1 of section 5 of *The Conditional Sales Act*, as re-enacted by section 2 of *The Conditional Sales Amendment and Repeal Act, 1967*, is repealed and the following substituted therefor:

Renewal  
statement  
to be filed

(1) Every contract of which a copy has been registered under this Act ceases to be valid as against the creditors of the purchaser and as against subsequent purchasers claiming from or under such purchaser, without notice, in good faith and for valuable consideration, at the expiration of three years from the day of the registration of such copy unless, within thirty days next preceding the expiration of three years from the day of the registration of such

copy, a renewal statement (Form 5) has been registered in the same office in which the original copy of the contract was registered.

(2) A renewal statement registered on or after the 1st day of January, 1968, and before the day this section comes into force is not invalidated nor is its effect destroyed by reason only of a failure to set forth therein in full the name and address of the purchaser or the seller or his assignee or to set forth the registration number of the original copy of the contract unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the renewal statement and in such case the judge or court may make such order as the judge or court considers appropriate.

Where names, etc., not set forth in full

4. Section 7 of *The Conditional Sales Act* is amended by inserting after "statement" in the second line "or in the contents of a prescribed form", so that the section shall read as follows:

R.S.O. 1960, c. 61, s. 7, amended

7. An error of a clerical nature or in an immaterial or non-essential part of the copy of the contract or renewal statement or in the contents of a prescribed form that does not mislead does not invalidate the registration or destroy the effect of it.

Immaterial errors

5. *The Conditional Sales Act* is amended by adding thereto the following sections:

R.S.O. 1960, c. 61, amended

16. Where required by the regulations made under this Act, a contract, or a renewal, assignment or discharge of a contract shall, when tendered for registration as provided by this Act, be accompanied by a statement that sets forth in the prescribed form the information prescribed by the regulations.

When instruments tendered for registration to be accompanied by statement

17. The Lieutenant Governor in Council may make regulations,

Regulations

(a) prescribing additional duties of the clerks of the county and district courts in connection with the registration of documents under this Act;

(b) requiring or permitting a statement to accompany any instrument tendered for registration under this Act, prescribing the information to be contained in such statement and the manner of recording such information,

and

and for requiring the forms of statements to be used shall be those provided or approved by the registrar;

(c) defining any expression used in the regulations;

R.S.O. 1960,  
c. 191

(d) providing that clause *d* of section 27 of *The Interpretation Act* does not apply to a prescribed form;

(e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The Conditional Sales Amendment Act, 1970*.

## CHAPTER 82

**An Act to amend  
The Elderly Persons Centres Act, 1966**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *d* of section 1 of *The Elderly Persons Centres Act, 1966* is repealed and the following substituted therefor: <sup>1966, c. 50, s. 1, cl. *d*, re-enacted</sup>

(*d*) “corporation” means a corporation without share capital having objects of a charitable nature,

(i) to which Part III of *The Corporations Act* <sup>R.S.O. 1960, c. 71</sup> applies, or

(ii) that is incorporated under a general or special Act of the Parliament of Canada.

(2) Clause *e* of the said section 1 is amended by striking out <sup>1966, c. 50, s. 1, cl. *e*, amended</sup> “Public Welfare” and inserting in lieu thereof “Social and Family Services”, so that the clause shall read as follows:

(*e*) “Minister” means the Minister of Social and Family Services.

(3) The said section 1 is amended by adding thereto the <sup>1966, c. 50, s. 1, amended</sup> following clauses:

(*da*) “Director” means the Director appointed for the purposes of this Act;

. . . . .

(*ea*) “municipality” means a city, town, village or township and includes an area municipality within a metropolitan, regional or district municipality, but does not include a metropolitan, regional or district municipality.

1966, c. 50,  
s. 2,  
amended

**2.** Section 2 of *The Elderly Persons Centres Act, 1966* is amended by adding thereto the following subsection:

Effective  
date  
of approval

- (2) Any approval of a centre under subsection 1 may take effect on any date fixed by the Lieutenant Governor in Council that is prior to the date on which the approval is given, but in no case shall the date on which the approval takes effect precede the date of the approval given under that subsection to the corporation maintaining and operating the centre.

1966, c. 50,  
amended

**3.** *The Elderly Persons Centres Act, 1966* is amended by adding thereto the following section:

Establish-  
ment of  
centres

- 2a.—(1) The council of a municipality may by by-law approved by the Minister provide for the establishment and operation of centres.

By-laws re  
grants

- (2) The council of a municipality may pass by-laws granting aid to centres.

1966, c. 50,  
s. 3,  
re-enacted

**4.** Section 3 of *The Elderly Persons Centres Act, 1966* is repealed and the following substituted therefor:

Capital  
grants to  
centres

- 3.—(1) The Lieutenant Governor in Council may direct payment to a municipality or to an approved corporation for the erection, alteration, extension, renovation or acquisition of a building or premises for use as a centre of an amount determined by the regulations but not exceeding 30 per cent of the cost thereof to the municipality or to the approved corporation, as computed in accordance with the regulations, but no payment shall be made to the approved corporation unless the council of the municipality in which the building or premises of the corporation to be used as the centre is situate, or the council of that municipality together with the councils of one or more contiguous municipalities, directs payment to the approved corporation of a sum equal to at least 20 per cent of the cost so computed or contributes to the approved corporation real or personal property approved by the Minister that is equivalent in value to at least 20 per cent of the said cost.

Maintenance  
and operat-  
ing grants

- (2) There shall be paid to every municipality or approved corporation a sum computed in accordance with the regulations towards the cost of maintaining and operating its approved centre, but no payment shall be made to the approved corporation unless the

council of the municipality in which the centre operated by the corporation is situate, or the council of that municipality together with the councils of one or more contiguous municipalities, directs payment to the approved corporation of a sum equal to at least the percentage prescribed by the regulations of the cost as so computed or contributes to the approved corporation personal property or services, approved by the Minister, equivalent in value to at least the prescribed percentage of the said cost.

**5.** Subsection 2 of section 6 of *The Elderly Persons Centres Act, 1966* is repealed and the following substituted therefor: 1966, c. 50, s. 6, subs. 2, re-enacted

- (2) No by-law of a municipality or an approved corporation that affects an approved centre in respect of which a grant has been paid under this Act has effect until it is approved in writing by the Minister. Approval of by-laws

**6.** *The Elderly Persons Centres Act, 1966* is amended by adding thereto the following sections: 1966, c. 50, amended

- 6a. Any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council at any time. Revocation and suspension of approvals

- 6b.—(1) The Director shall exercise general supervision over the administration of this Act and the regulations and carry out such other duties as are assigned to him by this Act and the regulations. Duties of Director

- (2) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such employee of the Department of Social and Family Services as the Minister designates. Acting Director

- (3) The Director, with the consent in writing of the Deputy Minister of Social and Family Services, may authorize any employee or class of employee of the Department of Social and Family Services to exercise and discharge any of the powers conferred or the duties imposed upon him under this Act and the regulations. Delegation of power

**7.**—(1) Clause *h* of section 7 of *The Elderly Persons Centres Act, 1966* is amended by inserting after “put” in the second line “the programmes of services to be provided therein”, so that the clause shall read as follows: 1966, c. 50, s. 7, cl. h, amended

- (h) prescribing the uses to which approved centres may be put, the programmes of services to be provided therein and the rules governing the operation of such centres.

1966, c. 50,  
s. 7,  
amended

(2) The said section 7 is amended by adding thereto the following clause:

- (ha) prescribing additional duties of the Director.

Commence-  
ment

**8.** This Act comes into force on the day it receives Royal Assent.

Short title

**9.** This Act may be cited as *The Elderly Persons Centres Amendment Act, 1970*.

## CHAPTER 83

# An Act to amend The Soldiers' Aid Commission Act

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Soldiers' Aid Commission Act* is amended by adding thereto the following sections: R.S.O. 1960,  
c. 377,  
amended

6a. Notwithstanding anything in *The Soldiers' Aid Commission Amendment Act, 1922*, the moneys paid to the Commission by the executor of the late Kathleen Saunders Hammond pursuant to that Act and all proceeds therefrom that now constitute the Kathleen Hammond Fund shall be paid and distributed from time to time and in such sums as the Commission may decide, Distribution  
of Hammond  
Fund  
1922, c. 40

(a) to any person belonging to any class mentioned in section 6, including the Canadian Expeditionary Force referred to in the order in council of the 10th day of November, 1915;

(b) to any person who as a member of the Canadian Armed Forces or as a member of the armed forces of any other nation that participated at any time before the 27th day of July, 1953 in the operations undertaken by the United Nations to restore peace in the Republic of Korea; and

(c) to any widow, child or dependent relative of any person referred to in clause *a* or *b*,

who in the opinion of the Commission would benefit thereby.

6b. The moneys paid to the Treasurer of Ontario by the executor of the late William Scott and all the proceeds therefrom that now constitute the William Scott Fund shall be paid over by the Transfer and  
distribution  
of Scott  
Fund

Treasurer

Treasurer of Ontario to the Commission to be paid and distributed by the Commission in accordance with section 6a.

Distribution  
of Kennedy  
Fund

**6c.** The moneys paid to the Commission by the executors of the late Mabel Kennedy and all the proceeds therefrom that now constitute the Mabel Kennedy Fund shall be paid and distributed by the Commission in accordance with section 6a.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Soldiers' Aid Commission Amendment Act, 1970*.

## CHAPTER 84

**An Act to amend  
The Loan and Trust Corporations Act**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 52 of *The Loan and Trust Corporations Act* is <sup>R.S.O. 1960,</sup> amended by striking out "section" in the first line and <sup>c. 222, s. 52,</sup> inserting in lieu thereof "sections 52*d* and", so that the section shall read as follows:

52. Subject to sections 52*d* and 53, no by-law shall be <sup>Restrictions</sup> passed that in any way restricts the right of a holder <sup>on transfer</sup> of paid up shares to transfer them, but nothing in this section prevents the regulation of the mode of their transfer.

**2.** *The Loan and Trust Corporations Act* is amended by <sup>R.S.O. 1960,</sup> adding thereto the following sections: <sup>c. 222,</sup> amended

52*a*.—(1) In this section and sections 52*b* to 52*f*, <sup>Interpre-</sup>

(*a*) "company" includes an association, partnership or other organization;

(*b*) "non-resident" means,

(i) an individual who is not ordinarily resident in Canada,

(ii) a company incorporated, formed or otherwise organized elsewhere than in Canada,

(iii) a company that is controlled directly or indirectly by non-residents as defined in subclause i or ii,

(iv)

(iv) a trust established by a non-resident as defined in subclause i, ii or iii, or a trust in which non-residents as so defined have more than 50 per cent of the beneficial interest, or

(v) a company that is controlled directly or indirectly by a trust mentioned in subclause iv;

(c) "resident" means an individual, company or trust that is not a non-resident.

Associated  
shareholder

(2) For the purposes of sections 52*b* to 52*f*, a shareholder shall be deemed to be associated with another shareholder if,

(a) one shareholder is a company of which the other shareholder is an officer or director;

(b) one shareholder is a partnership of which the other shareholder is a partner;

(c) one shareholder is a company that is controlled directly or indirectly by the other shareholder;

(d) both shareholders are companies and one shareholder is controlled directly or indirectly by the same individual or company that controls directly or indirectly the other shareholder;

(e) both shareholders are members of a voting trust where the trust relates to shares of a corporation; or

(f) both shareholders are associated within the meaning of clauses *a* to *e* with the same shareholder.

Shares  
held jointly

(3) For the purposes of sections 52*b* to 52*f*, where a share of the capital stock of a corporation is held jointly and one or more of the joint holders thereof is a non-resident, the share shall be deemed to be held by a non-resident.

Limit on  
shares held  
by non-  
residents

52*b*.—(1) The directors of a corporation shall refuse to allow in the books referred to in section 59 the entry of a transfer of any share of the capital stock of the corporation to a non-resident,

(a)

- (a) if, when the total number of shares of the capital stock of the corporation held by non-residents exceeds 25 per cent of the total number of issued and outstanding shares of such stock, the entry of the transfer would increase the percentage of such shares held by non-residents;
  - (b) if, when the total number of shares of the capital stock of the corporation held by non-residents is 25 per cent or less of the total number of issued and outstanding shares of such stock, the entry of the transfer would cause the total number of such shares of stock held by non-residents to exceed 25 per cent of the total number of issued and outstanding shares of such stock;
  - (c) if, when the total number of shares of the capital stock of the corporation held by the non-resident and by other shareholders associated with him, if any, exceeds 10 per cent of the total number of issued and outstanding shares of such stock, the entry of the transfer would increase the percentage of such shares held by the non-resident and by other shareholders associated with him, if any; or
  - (d) if, when the total number of shares of the capital stock of the corporation held by the non-resident and by other shareholders associated with him, if any, is 10 per cent or less of the total number of issued and outstanding shares of such stock, the entry of the transfer would cause the number of such shares of stock held by the non-resident and by other shareholders associated with him, if any, to exceed 10 per cent of the issued and outstanding shares of such stock.
- (2) Notwithstanding subsection 1, the directors of a corporation may allow in the books referred to in section 59 the entry of a transfer of any share of the capital stock of the corporation to a non-resident when it is shown to the directors on evidence satisfactory to them that the share was, immediately prior to the coming into force of this section, held in the right of or for the use or benefit of the non-resident.

Allotment  
to non-  
resident

- (3) The directors of a corporation shall not allot, or allow the allotment of, any shares of the capital stock of the corporation to any non-resident in circumstances where, if the allotment to such non-resident were a transfer of those shares, the entry thereof in the books would be required, under subsection 1, to be refused by the directors.

Penalty

- (4) Default in complying with this section does not affect the validity of a transfer or allotment of a share of the capital stock of the corporation that has been entered in the books referred to in section 59, but every director or officer who knowingly authorizes or permits such default is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.

Voting  
by non-  
residents

- 52c.—(1) A non-resident shall not exercise the voting rights attached to shares of a corporation unless he is entered in the books of the corporation as a shareholder in respect of the shares.

Voting  
rights of  
nominees  
suspended

- (2) Where a resident holds shares of the capital stock of a corporation in the right of, or for the use or benefit of, a non-resident and in respect of which the non-resident is not entered in the books of the corporation as the holder, the resident shall not, either in person or by proxy or by a voting trust, exercise the voting rights pertaining to those shares.

Change  
of status  
while  
entered  
on books

- (3) Where a person or company who is a resident becomes a non-resident while entered on the books of a corporation as a shareholder and the number of shares of such person or company recorded in such books when added to those entered therein as owned by other non-residents exceed the limit set out in section 52b, the person or company shall not exercise, directly, by proxy or by a voting trust, any voting rights in respect of its shares that exceed the limit set out in section 52b.

Voting  
rights  
of single  
non-resident  
owner

- (4) Notwithstanding subsections 1, 2 and 3, where any shares of the capital stock of a corporation are held in the name of or for the use or benefit of a non-resident, other than shares in respect of which the non-resident was entered in the books of the corporation before this Act comes into force or is entered on the books under subsection 2 of section 52b, no

person shall, either as proxy or by a voting trust or in person, exercise the voting rights pertaining to such shares held by the non-resident or in his right or for his use or benefit, if the total of such shares so held, together with such shares held in the name or right of or for the use or benefit of,

- (a) any shareholders associated with the non-resident; or
- (b) any persons who would, under subsection 2 of section 52*a*, be deemed to be shareholders associated with the non-resident were such persons and the non-resident themselves shareholders,

exceed in number 10 per cent of the issued and outstanding shares of such stock.

- (5) Every person who knowingly contravenes this <sup>Penalty</sup> section is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.
- (6) If any provision of this section is contravened at a <sup>Effect of</sup> general meeting of the corporation, no proceeding, <sup>contra-</sup>matter or thing at that meeting is void by reason only <sup>vention</sup> of such contravention, but any such proceeding, matter or thing is, at any time within one year from the day of commencement of the general meeting at which the contravention occurred, voidable at the option of the shareholders by a resolution passed at a special general meeting of the corporation.

52*d*.—(1) The directors of a corporation may make such <sup>By-laws</sup> by-laws as they consider necessary to carry out the intent of sections 52*a* to 52*c* and in particular, but without restricting the generality of the foregoing, the directors may make by-laws,

- (a) requiring any person holding any share of the capital stock of the corporation to submit statutory declarations,
  - (i) with respect to the ownership of such share,
  - (ii) with respect to the place in which the shareholder and any person for whose use or benefit the share is held are ordinarily resident,

(iii)

- (iii) as to whether the shareholder is associated with any other shareholder, and
- (iv) with respect to such other matters as the directors consider relevant for the purposes of sections 52*a* to 52*c*;
- (*b*) prescribing the times at which and the manner in which any declarations required under clause *a* are to be submitted; and
- (*c*) requiring any person desiring to have a transfer of a share to him entered in the books referred to in section 59 to submit such a declaration as may be required under this section in the case of a shareholder.

Where  
declaration  
pending

- (2) Where by or under any by-law made under subsection 1 any declaration is required to be submitted by any shareholder or person in respect of the transfer of any share, the directors may refuse to enter such transfer in the books referred to in section 59 until the required declaration has been completed and submitted.

Penalty

- (3) Any person who makes any wilfully false or deceptive statement in a declaration required by a by-law made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.

Report  
to the  
Registrar

- 52*e*. No transfers of shares of a corporation shall be entered in the books maintained under section 59 until thirty days after notice thereof has been deposited with the Registrar, if,

- (*a*) the transfer relates to 10 per cent or more of the issued shares of the corporation for the time being enjoying voting rights; or
- (*b*) the directors have reason to believe that the transfer would result in a majority of the issued shares of the corporation for the time being enjoying voting rights being beneficially owned by any one person.

Liability of  
directors

- 52*f*. In determining, for the purposes of sections 52*a* to 52*e*, whether a person is a resident or non-resident, by whom a corporation is controlled or any other

circumstances

circumstances relevant to the performance of their duties under those sections, the directors of the corporation may rely upon any statement made in any declarations made under section 52*d* or rely upon their own knowledge of the circumstances; and the directors are not liable in any action for anything done or omitted by them in good faith as a result of any conclusions made by them on the basis of any such statements or knowledge.

**3.** This Act shall be deemed to have come into force on the <sup>Commence-</sup>17th day of June, 1970.<sub>ment</sub>

**4.** This Act may be cited as *The Loan and Trust Cor-* Short title  
*porations Amendment Act, 1970.*



## CHAPTER 85

## An Act to amend The Labour Relations Act

*Assented to November 13th, 1970*  
*Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act* is amended by adding thereto the following preamble: R.S.O. 1960,  
c. 202,  
amended

WHEREAS it is in the public interest of the Province of Ontario to further harmonious relations between employers and employees by encouraging the practice and procedure of collective bargaining between employers and trade unions as the freely designated representatives of employees.

2.—(1) Subsection 1 of section 1 of *The Labour Relations Act* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: R.S.O. 1960,  
c. 202,  
s. 1, subs. 1,  
amended

(a) “accredited employers’ organization” means an organization of employers that is accredited under this Act as the bargaining agent for a unit of employers.

(2) Clause *f* of subsection 1 of the said section 1 is amended by adding at the end thereof “and includes an accredited employers’ organization”, so that the clause shall read as follows: R.S.O. 1960,  
c. 202,  
s. 1, subs. 1,  
cl. *f*,  
amended

(f) “employers’ organization” means an organization of employers formed for purposes that include the regulation of relations between employers and employees and includes an accredited employers’ organization.

(3) Subsection 1 of the said section 1 is further amended by adding thereto the following clause: R.S.O. 1960,  
c. 202, s. 1,  
subs. 1,  
amended

(ha) “professional engineer” means an employee who is a member of the engineering profession entitled to practise in Ontario and employed in a professional capacity.

R.S.O. 1960,  
c. 202,  
s. 1, subs. 3,  
amended (4) Subsection 3 of the said section 1, as amended by subsection 2 of section 1 of *The Labour Relations Amendment Act, 1961-62*, is further amended by inserting at the commencement thereof "Subject to section 65a", so that the subsection, exclusive of the clauses, shall read as follows:

Idem (3) Subject to section 65a, for the purposes of this Act no person shall be deemed to be an employee,

. . . . .

R.S.O. 1960,  
c. 202, s. 1,  
subs. 3, cl. a,  
amended (5) Clause a of subsection 3 of the said section 1, as amended by subsection 2 of section 1 of *The Labour Relations Amendment Act, 1961-62*, is further amended by striking out "engineering" in the first and second lines, so that the clause shall read as follows:

(a) who is a member of the architectural, dental, land surveying, legal or medical profession entitled to practise in Ontario and employed in a professional capacity; or

. . . . .

R.S.O. 1960,  
c. 202, s. 1,  
amended (6) The said section 1 is amended by adding thereto the following subsection:

Idem (4) Where, in the opinion of the Board, associated or related activities or businesses are carried on by or through more than one corporation, individual, firm, syndicate or association, or any combination thereof, under common control or direction, the Board may treat the corporations, individuals, firms, syndicates or associations or any combination thereof as constituting one employer for the purposes of this Act.

R.S.O. 1960,  
c. 202, s. 5,  
amended 3. Section 5 of *The Labour Relations Act*, as amended by section 2 of *The Labour Relations Amendment Act, 1966*, is further amended by adding thereto the following subsection:

Idem (1b) Where an employer and a trade union agree that the employer recognizes the trade union as the exclusive bargaining agent of the employees in a defined bargaining unit and the agreement is in writing signed by the parties and the parties have not entered into a collective agreement and the Board has not made a declaration under section 45a, another trade union may, subject to section 46, apply to the Board for certification as bargaining agent of any of the employees in the bargaining unit

defined

defined in the recognition agreement only after the expiration of one year from the date that the recognition agreement was entered into.

4.—(1) Subsection 2 of section 6 of *The Labour Relations Act* is amended by adding at the end thereof “or where the group of employees is exercising a combination of technical skills or is required to perform the skills in whole or in part of more than one craft as part of a work crew or team, the other members of which are also required to perform in similar fashion”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 202, s. 6,  
subs. 2,  
amended

- (2) Any group of employees who exercise technical skills or who are members of a craft by reason of which they are distinguishable from the other employees and commonly bargain separately and apart from other employees through a trade union that according to established trade union practice pertains to such skills or craft shall be deemed by the Board to be a unit appropriate for collective bargaining if the application is made by a trade union pertaining to such skills or craft, and the Board may include in such unit persons who according to established trade union practice are commonly associated in their work and bargaining with such group, but the Board shall not be required to apply this subsection where the group of employees is included in a bargaining unit represented by another bargaining agent at the time the application is made, or where the group of employees is exercising a combination of technical skills or is required to perform the skills in whole or in part of more than one craft as part of a work crew or team, the other members of which are also required to perform in similar fashion.

Craft units

(2) The said section 6 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 202, s. 6,  
amended

- (3) A bargaining unit consisting solely of professional engineers shall be deemed by the Board to be a unit of employees appropriate for collective bargaining, but, the Board may include professional engineers in a bargaining unit with other employees if the Board is satisfied that a majority of such professional engineers wish to be included in such bargaining unit.

Unit of  
professional  
engineers

5.—(1) Subsection 2 of section 7 of *The Labour Relations Act* is amended by striking out “45” in the first line and inserting in lieu thereof “35”, and by striking out “55” in

R.S.O. 1960,  
c. 202, s. 7,  
subs. 2,  
amended

the second line and in the fourth line and inserting in lieu thereof in each instance "65", so that the subsection shall read as follows:

Representa-  
tion vote

- (2) If the Board is satisfied that not less than 35 per cent and not more than 65 per cent of the employees in the bargaining unit are members of the trade union, the Board shall, and if the Board is satisfied that more than 65 per cent of such employees are members of the trade union, the Board may, direct that a representation vote be taken.

R.S.O. 1960,  
c. 202, s. 7,  
subs. 3,  
re-enacted,  
subs. 4,  
repealed

- (2) Subsections 3 and 4 of the said section 7 are repealed and the following substituted therefor:

Certification  
after vote

- (3) If on the taking of a representation vote more than 50 per cent of the ballots cast are cast in favour of the trade union, and in other cases, if the Board is satisfied that more than 65 per cent of the employees in the bargaining unit are members of the trade union, the Board shall certify the trade union as the bargaining agent of the employees in the bargaining unit.

Application  
of section

- (3) This section does not apply in respect of applications for certification made before this section comes into force.

R.S.O. 1960,  
c. 202, s. 8,  
subs. 2,  
amended

- 6.**—(1) Subsection 2 of section 8 of *The Labour Relations Act* is amended by striking out "45" in the fourth line and inserting in lieu thereof "35", so that the subsection shall read as follows:

Voting  
constituency

- (2) Upon such a request being made, the Board may determine a voting constituency and, if it appears to the Board on an examination of the records of the trade union and the records of the employer that not less than 35 per cent of the employees in the voting constituency were members of the trade union at the time the application was made, the Board may direct that a representation vote be taken among the employees in the voting constituency.

R.S.O. 1960,  
c. 202, s. 8,  
subs. 4,  
amended

- (2) Subsection 4 of the said section 8 is amended by striking out "45" in the fourth line and inserting in lieu thereof "35", so that the subsection shall read as follows:

Effect of  
pre-hearing  
vote

- (4) After a representation vote has been taken under subsection 2, the Board shall determine the unit of employees that is appropriate for collective bargaining and, if it is satisfied that not less than 35

per cent of the employees in such bargaining unit were members of the trade union at the time the application was made, the representation vote taken under subsection 2 has the same effect as a representation vote taken under subsection 2 of section 7.

(3) This section does not apply in respect of applications for certification made before this section comes into force. Application of section

7. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 202, amended

8b. Where employees of an employer reside on the property of the employer, or on property to which the employer has the right to control access, the employer shall, upon a direction from the Board, allow the representative of a trade union access to the property on which the employees reside for the purpose of attempting to persuade the employees to join a trade union. Right of access

8. Section 9 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 202, s. 9, re-enacted

9. The Board shall not include in a bargaining unit with other employees a person employed as a guard to protect the property of an employer, and no trade union shall be certified as bargaining agent for a bargaining unit of such guards and no employer or employers' organization shall be required to bargain with a trade union on behalf of any person who is a guard if, in either case, the trade union admits to membership or is chartered by, or is affiliated, directly or indirectly, with an organization that admits to membership persons other than guards. Security guards

9. *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960, c. 202, amended

31a—(1) The Minister may establish an industrial inquiry commission to inquire into and report to the Minister on any industrial matter or dispute that the Minister considers advisable. Industrial inquiry commission

(2) The industrial inquiry commission shall consist of one or more members appointed by the Minister and the commission shall have all the powers of a conciliation board under section 28. Composition and powers

(3) The chairman and members of the commission shall be paid remuneration and expenses at the same rate Remuneration and expenses

as is payable to a chairman and members of a conciliation board under this Act.

R.S.O. 1960,  
c. 202, s. 32,  
amended

**10.**—(1) Section 32 of *The Labour Relations Act* is amended by adding thereto the following subsection:

Recognition  
of  
accredited  
employers'  
organization

(1a) Every collective agreement to which an accredited employers' organization is a party shall provide that the accredited employers' organization is recognized as the exclusive bargaining agent of the employers in the unit of employers for whom the employers' organization has been accredited.

R.S.O. 1960,  
c. 202, s. 32,  
subs. 2,  
amended

(2) Subsection 2 of the said section 32 is amended by inserting after "1" in the second line "or 1a", so that the subsection shall read as follows:

Addition  
by Board

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1 or 1a, it may be added to the agreement at any time by the Board upon the application of either party.

R.S.O. 1960,  
c. 202, s. 33,  
subs. 2,  
re-enacted

**11.** Subsection 2 of section 33 of *The Labour Relations Act* is repealed and the following substituted therefor:

Statutory  
provision

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision:

"There shall be no strikes or lock-outs so long as this agreement continues to operate."

R.S.O. 1960,  
c. 202, s. 34,  
subs. 2,  
amended

**12.**—(1) Subsection 2 of section 34 of *The Labour Relations Act* is amended by adding after "employee" in the twenty-third line "or employer", so that the subsection shall read as follows:

Idem

(2) If a collective agreement does not contain such a provision as is mentioned in subsection 1, it shall be deemed to contain the following provision:

Where a difference arises between the parties relating to the interpretation, application or administration of this agreement, including any question as to whether a matter is arbitrable, or where an allegation is made that this agreement has been violated, either of the parties may, after exhausting any grievance procedure established by this agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration and the notice shall contain the name of the first party's appointee to an arbitration board. The recipient of the notice shall within five days inform the other party of the name of its appointee to the arbitration board. The two appointees so selected shall, within five days of

the appointment of the second of them, appoint a third person who shall be the chairman. If the recipient of the notice fails to appoint an arbitrator, or if the two appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Minister of Labour for Ontario upon the request of either party. The arbitration board shall hear and determine the difference or allegation and shall issue a decision and the decision is final and binding upon the parties and upon any employee or employer affected by it. The decision of a majority is the decision of the arbitration board, but if there is no majority the decision of the chairman governs.

(2) The said section 34 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 202, s. 34,  
amended

(7a) Where an arbitrator or arbitration board determines that an employee has been discharged or otherwise disciplined by an employer for cause and the collective agreement does not contain a specific penalty for the infraction that is the subject-matter of the arbitration, the arbitrator or arbitration board may substitute such other penalty for the discharge or discipline as to the arbitrator or arbitration board seems just and reasonable in all the circumstances. Substitution  
of penalty

(3) Subsection 2 applies to arbitrations commenced after subsection 2 comes into force and to arbitrations commenced before subsection 2 comes into force and in respect of which the arbitrator or arbitration board has heard no evidence, notwithstanding that the collective agreement under which the arbitration was commenced was entered into before subsection 2 comes into force. Application  
of subs. 2

**13.—**(1) Subsection 2 of section 35 of *The Labour Relations Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 202, s. 35,  
subs. 2,  
re-enacted

(2) No trade union that is a party to a collective agreement containing a provision mentioned in clause *a* of subsection 1 shall require the employer to discharge an employee because, Where  
non-member  
employee  
cannot be  
required to  
be  
discharged

(a) he has been expelled or suspended from membership in the trade union; or

(b) membership in the trade union has been denied to or withheld from the employee,

for the reason that the employee,

(c) was or is a member of another trade union;

(d)

- (d) has engaged in activity against the trade union or on behalf of another trade union;
- (e) has engaged in reasonable dissent within the trade union;
- (f) has been discriminated against by the trade union in the application of its membership rules; or
- (g) has refused to pay initiation fees, dues or other assessments to the trade union which are unreasonable.

R.S.O. 1960,  
c. 202, s. 35,  
subs. 4,  
amended

(2) Subsection 4 of the said section 35 is amended by striking out "55" in the sixth line and inserting in lieu thereof "65", so that the subsection, exclusive of the clauses, shall read as follows:

Union  
security  
provision  
in first  
agreement

- (4) A trade union and the employer of the employees concerned shall not enter into a collective agreement that includes provisions requiring, as a condition of employment, membership in the trade union that is a party to or is bound by the agreement unless the trade union has established at the time it entered into the agreement that not less than 65 per cent of the employees in the bargaining unit were members of the trade union, but this subsection does not apply,

. . . . .

R.S.O. 1960,  
c. 202,  
amended

**14.** *The Labour Relations Act* is amended by adding thereto the following section:

Religious  
objections

35a—(1) Where the Board is satisfied that an employee because of his religious conviction or belief,

- (a) objects to joining a trade union; or
- (b) objects to the paying of dues or other assessments to a trade union,

the Board may order that the provisions of a collective agreement of the type mentioned in clause *a* of subsection 1 of section 35 do not apply to such employee and that the employee is not required to join the trade union, to be or continue to be a member of the trade union, or to pay any dues, fees or assessments to the trade union, provided that amounts equal to any initiation fees, dues or other

assessments

assessments are paid by the employee to or are remitted by the employer to a charitable organization mutually agreed upon by the employee and the trade union, but if the employee and the trade union fail to so agree then to such charitable organization registered as a charitable organization in Canada under Part I of the *Income Tax Act* (Canada) as may be designated by the Board.

R.S.C. 1952,  
c. 148

(2) Subsection 1 applies,

Application  
of subs. 1

- (a) subject to clause *b*, to employees in the employ of an employer at the time a collective agreement containing a provision of the kind mentioned in subsection 1 is first entered into with that employer and only during the life of such collective agreement; and
- (b) where a collective agreement in force when this subsection comes into force contains the provision mentioned in subsection 1, to employees in the employ of the employer at the time this section comes into force and only during the life of such collective agreement,

and does not apply to employees whose employment commences after the entering into of the collective agreement when clause *a* applies, or after this section comes into force, when clause *b* applies.

**15.** *The Labour Relations Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 202,  
amended

- 36a. There shall be only one collective agreement at a time between a trade union or council of trade unions and an employer or employers' organization with respect to the employees in the bargaining unit defined in the collective agreement.

More than  
one  
collective  
agreement  
prohibited

**16.**—(1) Subsection 1 of section 38 of *The Labour Relations Act*, as amended by section 3 of *The Labour Relations Amendment Act, 1961-62*, is further amended by inserting after "upon" in the third line "the employers' organization and" and by inserting after "unions" in the third instance in the amendment of 1961-62 "and upon the employees in the bargaining unit defined in the agreement", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 202, s. 38,  
subs. 1,  
amended

Binding  
effect of  
collective  
agreements  
on  
employers'  
organizations

- (1) A collective agreement between an employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon the employers' organization and each person who was a member of the employers' organization at the time the agreement was entered into and on whose behalf the employers' organization bargained with the trade union or council of trade unions as if it was made between each of such persons and the trade union or council of trade unions and upon the employees in the bargaining unit defined in the agreement and, if any such person ceases to be a member of the employers' organization during the term of operation of the agreement, he shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions.

R.S.O. 1960,  
c. 202, s. 38,  
subs. 3,  
amended

- (2) Subsection 3 of the said section 38, as amended by subsection 2 of section 12 of *The Labour Relations Amendment Act, 1966*, is further amended by inserting after "upon" in the third line "the council of trade unions and", and by inserting after "organization" in the eighth and ninth lines "and upon the employees in the bargaining unit defined in the agreement", so that the subsection shall read as follows:

Binding  
effect of  
collective  
agreements  
on members  
or affiliates  
of councils  
of trade  
unions

- (3) A collective agreement between a council of trade unions, other than a certified council of trade unions, and an employer or an employers' organization is, subject to and for the purposes of this Act, binding upon the council of trade unions and each trade union that was a member of or affiliated with the council of trade unions at the time the agreement was entered into and on whose behalf the council of trade unions bargained with the employer or employers' organization as if it was made between each of such trade unions and the employer or employers' organization, and upon the employees in the bargaining unit defined in the agreement, and, if any such trade union ceases to be a member of or affiliated with the council of trade unions during the term of operation of the agreement, it shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the employer or employers' organization, as the case may be.

R.S.O. 1960,  
c. 202, s. 40,  
subs. 1,  
amended

17. Subsection 1 of section 40 of *The Labour Relations Act* is amended by striking out "two months" in the second line and inserting in lieu thereof "ninety days", so that the subsection shall read as follows:

- (1) Either party to a collective agreement may, within the period of ninety days before the agreement ceases to operate, give notice in writing to the other party of its desire to bargain with a view to the renewal, with or without modifications, of the agreement then in operation or to the making of a new agreement.

Notice of  
desire to  
bargain  
for new  
collective  
agreement

**18.** Subsection 3 of section 41a of *The Labour Relations Act*, as enacted by section 14 of *The Labour Relations Amendment Act, 1966*, is repealed.

R.S.O. 1960,  
c. 202,  
s. 41a  
(1966 c. 76,  
s. 14),  
subs. 3,  
repealed

**19.**—(1) Subsection 4 of section 43 of *The Labour Relations Act* is amended by striking out “of all those eligible to vote” in the second line and inserting in lieu thereof “cast”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 202, s. 43,  
subs. 4,  
amended

- (4) If on the taking of the representation vote more than 50 per cent of the ballots cast are cast in opposition to the trade union, the Board shall declare that the trade union that was certified or that was or is a party to the collective agreement, as the case may be, no longer represents the employees in the bargaining unit.

Declaration  
of  
termination  
following  
vote

(2) Subsection 1 does not apply in respect of applications for the termination of bargaining rights made before this section comes into force.

Application  
of subs. 1

- (3) Subsection 5 of the said section 43 is repealed.

R.S.O. 1960,  
c. 202, s. 43,  
subs. 5,  
repealed

**20.**—(1) Subsection 1 of section 45a of *The Labour Relations Act*, as enacted by section 5 of *The Labour Relations Amendment Act, 1964*, is amended by inserting after “agreement” in the fourth line “or a recognition agreement as provided for in subsection 3 of section 13” and by inserting after “operation” in the ninth line “or, if no collective agreement has been entered into within one year from the signing of such recognition agreement”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 202,  
s. 45a  
(1964,  
c. 53, s. 5),  
subs. 1,  
amended

- 45a.**—(1) Where an employer and a trade union that has not been certified as the bargaining agent for a bargaining unit of employees of the employer enter into a collective agreement, or a recognition agreement as provided for in subsection 3 of section 13, the Board may, upon the application of any employee in the bargaining unit or of a trade union representing

Termination  
of bargain-  
ing rights  
after  
voluntary  
recognition

any employee in the bargaining unit, during the first year of the period of time that the first collective agreement between them is in operation or, if no collective agreement has been entered into, within one year from the signing of such recognition agreement, declare that the trade union was not, at the time the agreement was entered into, entitled to represent the employees in the bargaining unit.

R.S.O. 1960,  
c. 202,  
s. 45a,  
(1964, c. 53,  
s. 5),  
subs. 4,  
re-enacted

(2) Subsection 4 of the said section 45a is repealed and the following substituted therefor:

Declaration  
to terminate  
agreement

- (4) Upon the Board making a declaration under subsection 1, the trade union forthwith ceases to represent the employees in the defined bargaining unit in the recognition agreement or collective agreement and any collective agreement in operation between the trade union and the employer ceases to operate forthwith in respect of the employees affected by the application.

R.S.O. 1960,  
c. 202, s. 46,  
amended

**21.** Section 46 of *The Labour Relations Act* is amended by adding thereto the following subsection:

Application  
of sub-  
sections 1  
and 3

- (4) Subsections 1 and 3 apply *mutatis mutandis* to an application made under subsection 1b of section 5.

R.S.O. 1960,  
c. 202,  
s. 47a,  
(1962-63,  
c. 70, s. 1),  
re-enacted

**22.**—(1) Section 47a of *The Labour Relations Act*, as re-enacted by section 1 of *The Labour Relations Amendment Act, 1962-63* and amended by section 18 of *The Labour Relations Amendment Act, 1966*, is repealed and the following substituted therefor:

Interpre-  
tation

**47a.**—(1) In this section,

- (a) “business” includes a part or parts thereof;
- (b) “sells” includes leases, transfers and any other manner of disposition, and “sold” and “sale” have corresponding meanings.

Successor  
employer

- (2) Where an employer who is bound by or is a party to a collective agreement with a trade union or council of trade unions sells his business, the person to whom the business has been sold is, until the Board otherwise declares, bound by the collective agreement as if he had been a party thereto and, where an employer sells his business while an application for certification or termination of bargaining rights to which he is a party is before the Board, the person to whom the

business

business has been sold is, until the Board otherwise declares, the employer for the purposes of the application as if he were named as the employer in the application.

- (3) Where an employer on behalf of whose employees a <sup>Idem</sup> trade union or council of trade unions, as the case may be, has been certified as bargaining agent or has given or is entitled to give notice under section 11, sells his business, the trade union or council of trade unions continues, until the Board otherwise declares, to be the bargaining agent for the employees of the person to whom the business was sold in the like bargaining unit in that business, and the trade union or council of trade unions is entitled to give to the person to whom the business was sold a written notice of its desire to bargain with a view to making a collective agreement and such notice has the same effect as a notice under section 11.
- (4) Where a business was sold to a person and a trade union or council of trade unions was the bargaining agent of any of the employees in such business or a trade union or council of trade unions is the bargaining agent of the employees in any business carried on by the person to whom the business was sold, and, <sup>Powers of Board</sup>
  - (a) any question arises as to what constitutes the like bargaining unit referred to in subsection 3; or
  - (b) any person, trade union or council of trade unions claims that, by virtue of the operation of subsections 2 or 3, a conflict exists between the bargaining rights of the trade union or council of trade unions that represented the employees of the predecessor employer and the trade union or council of trade unions that represents the employees of the person to whom the business was sold,

the Board may, upon the application of any person, trade union or council of trade unions concerned.

- (c) define the composition of the like bargaining unit referred to in subsection 3 with such modification, if any, as the Board deems necessary; and
- (d) amend, to such extent as the Board deems necessary, any bargaining unit in any certi-

ificate issued to any trade union or any bargaining unit defined in any collective agreement.

Idem

- (5) The Board may, upon the application of any person, trade union or council of trade unions concerned, made within sixty days after the successor employer referred to in subsection 2 becomes bound by the collective agreement, or within sixty days after the trade union or council of trade unions has given a notice under subsection 3, terminate the bargaining rights of the trade union or council of trade unions bound by the collective agreement or that has given notice, as the case may be, if, in the opinion of the Board, the person to whom the business was sold has changed its character so that it is substantially different from the business of the predecessor employer.

Idem

- (6) Notwithstanding subsections 2 and 3, where a business was sold to a person who carries on one or more other businesses and a trade union or council of trade unions is the bargaining agent of the employees in any of the businesses and such person intermingles the employees of one of the businesses with those of another of the businesses, the Board may, upon the application of any person, trade union or council of trade unions concerned,

- (a) declare that the person to whom the business was sold is no longer bound by the collective agreement referred to in subsection 2;
- (b) determine whether the employees concerned constitute one or more appropriate bargaining units;
- (c) declare which trade union, trade unions or council of trade unions, if any, shall be the bargaining agent or agents for the employees in such unit or units; and
- (d) amend, to such extent as the Board deems necessary, any certificate issued to any trade union or council of trade unions or any bargaining unit defined in any collective agreement.

Notice to  
bargain

- (7) Where a trade union or council of trade unions is declared to be the bargaining agent under subsection

6 and it is not already bound by a collective agreement with the successor employer with respect to the employees for whom it is declared to be the bargaining agent, it is entitled to give to the employer a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11.

- (8) Before disposing of any application under this section, the Board may make such inquiry, may require the production of such evidence and the doing of such things, or may hold such representation votes, as it deems appropriate. Powers of Board before disposing of application
- (9) Where an application is made under this section, an employer is not required, notwithstanding that a notice has been given by a trade union or council of trade unions, to bargain with that trade union or council of trade unions concerning the employees to whom the application relates until the Board has disposed of the application and has declared which trade union or council of trade unions, if any, has the right to bargain with the employer on behalf of the employees concerned in the application. Where employer not required to bargain
- (10) For the purposes of sections 5, 43, 45, 46 and 96, a notice given by a trade union or council of trade unions under subsection 3 or a declaration made by the Board under subsection 6 has the same effect as a certification under section 7. Effect of notice or declaration
- (11) Where one or more municipalities as defined in *The Department of Municipal Affairs Act* is erected into another municipality, or two or more such municipalities are amalgamated, united or otherwise joined together, or all or part of one such municipality is annexed, attached or added to another such municipality, the employees of the municipalities concerned shall be deemed to have been intermingled, and, Successor municipalities R.S.O. 1960, c. 98
- (a) the Board may exercise the like powers as it may exercise under subsections 6 and 8 with respect to the sale of a business under this section;
- (b) the new or enlarged municipality has the like rights and obligations as a person to whom a business is sold under this section and who intermingles the employees of one of his

businesses with those of another of his businesses; and

- (c) any trade union or council of trade unions concerned has the like rights and obligations as it would have in the case of the intermingling of employees in two or more businesses under this section.

Power of Board to determine whether sale

- (12) Where, on any application under this section or in any other proceeding before the Board, a question arises as to whether a business has been sold by one employer to another, the Board shall determine the question and its decision thereon is final and conclusive for the purposes of this Act.

Application of subs. 1

- (2) Subsection 1 does not apply in respect of the sale of a business before the day on which this section comes into force and where a question arises as to whether a business has been sold by one employer to another for the purposes of this subsection, the Board shall determine the question and its decision thereon is final and conclusive.

R.S.O. 1960, c. 202, amended

**23.** *The Labour Relations Act* is amended by adding thereto the following section:

Duty of fair representation by trade union, etc.

- 51a. A trade union or council of trade unions, so long as it continues to be entitled to represent employees in a bargaining unit, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees in the unit, whether or not members of the trade union or of any constituent union of the council of trade unions, as the case may be.

R.S.O. 1960, c. 202, s. 54, subs. 3, re-enacted

**24.** Subsection 3 of section 54 of *The Labour Relations Act* is repealed and the following substituted therefor:

Threatening strike or lock-out

- (3) No employee shall threaten an unlawful strike and no employer shall threaten an unlawful lock-out of an employee.

Strike or ratification vote to be secret

- (4) A strike vote or a vote to ratify a proposed collective agreement taken by a trade union shall be by ballots cast in such a manner that a person expressing his choice cannot be identified with the choice expressed.

Opportunity to vote

- (5) Any vote mentioned in subsection 4 shall be conducted in such a manner that those entitled to vote have ample opportunity to cast their ballots.

**25.** *The Labour Relations Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 202,  
amended

54a.—(1) Where an employee engaging in a lawful strike makes an unconditional application in writing to his employer within six months from the commencement of the lawful strike to return to work, the employer shall, subject to subsection 2, reinstate the employee in his former employment, on such terms as the employer and employee may agree upon, and the employer in offering terms of employment shall not discriminate against the employee by reason of his exercising or having exercised any rights under this Act. Reinstatement of  
employee

(2) An employer is not required to reinstate an employee who has made an application to return to work in accordance with subsection 1, Exceptions

(a) where the employer no longer has persons engaged in performing work of the same or similar nature to work which the employee performed prior to his cessation of work; or

(b) where there has been a suspension or discontinuance for cause of an employer's operations, or any part thereof, but if the employer resumes such operations, the employer shall first reinstate those employees who have made an application under subsection 1.

**26.** Sections 55 and 56 of *The Labour Relations Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 202,  
ss 55, 56,  
re-enacted

55. No trade union or council of trade unions shall call or authorize or threaten to call or authorize an unlawful strike and no officer, official or agent of a trade union or council of trade unions shall counsel, procure, support or encourage an unlawful strike or threaten an unlawful strike. Unlawful  
strike

56. No employer or employers' organization shall call or authorize or threaten to call or authorize an unlawful lock-out and no officer, official or agent of an employer or employers' organization shall counsel, procure, support or encourage an unlawful lock-out or threaten an unlawful lock-out. Unlawful  
lock-out

**27.** Section 59 of *The Labour Relations Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 202, s. 59,  
amended

(1a) Where a trade union has applied for certification and notice thereof from the Board has been received Idem

by

by the employer, no employer shall, except with the consent of the trade union, alter the rights, privileges or duty of the employer or the employees until,

- (a) the trade union has given notice under section 11, in which case subsection 1 applies; or
- (b) the application for certification by the trade union is dismissed or terminated by the Board, or withdrawn by the trade union.

R.S.O. 1960,  
c. 202, s. 65,  
subs. 1  
(1966, c. 76,  
s. 24, subs.  
1), amended

**28.**—(1) Subsection 1 of section 65 of *The Labour Relations Act*, as re-enacted by subsection 1 of section 24 of *The Labour Relations Amendment Act, 1966*, is amended by striking out “or” at the end of clause *a*, by adding “or” at the end of clause *b* and by adding thereto the following clause:

- (c) a trade union, council of trade unions, employer, employers’ organization, person or persons has acted in any way contrary to section 51*a*, clause *b* of subsection 2 of section 59*a*, subsection 1 or 2 of section 103, or section 104, 105 or 106.

R.S.O. 1960,  
c. 202, s. 65,  
subs. 4  
(1966, c. 76,  
s. 24, subs.  
2), cl. *a*,  
amended

(2) Clause *a* of subsection 4 of the said section 65, as re-enacted by subsection 2 of section 24 of *The Labour Relations Amendment Act, 1966*, is amended by inserting after “benefits” in the sixteenth line “which compensation may be assessed against the employer, other person or trade union jointly or severally”, so that the clause shall read as follows:

- (a) if the Board is satisfied that the person concerned has been refused employment, discharged, discriminated against, threatened, coerced, intimidated or otherwise dealt with contrary to this Act as to his employment, opportunity for employment or conditions of employment by any employer or other person or a trade union, it shall determine what, if anything, the employer, other person or trade union shall do or refrain from doing with respect thereto, and such determination may include the hiring or reinstatement in employment of the person concerned, with or without compensation or compensation in lieu of hiring or reinstatement for loss of earnings and other employment benefits which compensation may be assessed against the employer, other person or trade union jointly or severally, and the employer, other person or trade union shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or any of them by the determination; or

. . . . .

(3) Subsection 4 of the said section 65, as re-enacted by <sup>R.S.O. 1960, c. 202, s. 65, subs. 4 (1966, c. 76, s. 24, subs. 1), amended</sup> subsection 2 of section 24 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "or" at the end of clause *a*, by adding "or" at the end of clause *b* and by adding thereto the following clause:

- (c) if the Board is satisfied that the trade union, council of trade unions, employer, employers' organization, person or employee concerned has acted contrary to section 51*a*, clause *b* of subsection 2 of section 59*a*, subsection 1 or 2 of section 103 or section 104, 105 or 106, it shall determine what, if anything, the trade union, council of trade unions, employer, employers' organization, person or employee, shall do or refrain from doing with respect thereto, and such determination may include compensation for loss of earnings and other employment benefits and the trade union, council of trade unions, employer, employers' organization, person or employee shall, notwithstanding the provisions of any collective agreement, do or abstain from doing anything required of them or it.

(4) Subsection 5 as re-enacted by subsection 2 of section 8 of *The Labour Relations Amendment Act, 1961-62* and subsection 6 as enacted by subsection 2 of section 8 of *The Labour Relations Amendment Act, 1961-62* of the said section 65 are <sup>R.S.O. 1960, c. 202, s. 65, subss. 5, 6 (1961-62, c. 68, s. 8, subs. 2), re-enacted</sup> repealed and the following substituted therefor:

- (5) Where the trade union, council of trade unions, <sup>Enforcement of determination</sup> employer, employers' organization, person or employee, has failed to comply with any of the terms of the determination, any trade union, council of trade unions, employer, employers' organization, person or employee, affected by the determination may, after the expiration of fourteen days from the date of the release of the determination or the date provided in the determination for compliance, whichever is later, notify the Board in writing of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the determination, exclusive of the reasons therefor, if any, in the prescribed form, whereupon the determination shall be entered in the same way as a judgment or order of that court and is enforceable as such.
- (6) Where the matter complained of has been settled, <sup>Effect of settlement</sup> whether through the endeavours of the field officer or otherwise, and the terms of the settlement have been

put in writing and signed by the parties or their representatives, the settlement is binding upon the parties, the trade union, council of trade unions, employer, employers' organization, person or employee who have agreed to the settlement and shall be complied with according to its terms, and a complaint that the trade union, council of trade unions, employer, employers' organization, person or employee who has agreed to the settlement has not complied with the terms of the settlement shall be deemed to be a complaint under clause *a*, *b* or *c* of subsection 1, as the case may be.

R.S.O. 1960,  
c. 202,  
amended

**29.** *The Labour Relations Act* is amended by adding thereto the following section:

"Person"  
defined for  
purposes of  
ss. 59*a* and  
65

65*a*. For the purposes of section 59*a* and any complaint made under section 65, "person" includes any person otherwise excluded by subsection 3 of section 1.

R.S.O. 1960,  
c. 202, s. 66  
(1966, c. 76,  
s. 25),  
subs. 1,  
amended

**30.**—(1) Subsection 1 of section 66 of *The Labour Relations Act*, as re-enacted by section 25 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "employees" in the sixth line, the seventh line, the ninth and tenth lines and the eleventh line and inserting in lieu thereof in each instance "persons", and by striking out "employee" in the fifteenth line and inserting in lieu thereof "person", so that the subsection shall read as follows:

Jurisdic-  
tional  
disputes

(1) The Board may inquire into a complaint that a trade union or council of trade unions, or an officer, official or agent of a trade union or council of trade unions, was or is requiring an employer or an employers' organization to assign particular work to persons in a particular trade union or in a particular trade, craft or class rather than to persons in another trade union or in another trade, craft or class, or that an employer was or is assigning work to persons in a particular trade union rather than to persons in another trade union, and it shall direct what action, if any, the employer, the employers' organization, the trade union or the council of trade unions or any officer, official or agent of any of them or any person shall do or refrain from doing with respect to the assignment of work.

R.S.O. 1960,  
c. 202, s. 66  
(1966, c. 76,  
s. 25),  
amended

(2) The said section 66 is amended by adding thereto the following subsection:

Scope of  
Board's  
direction

(1*a*) The Board may in any direction made under subsection 1 provide that it shall be binding on the

parties

parties for other jobs then in existence or undertaken in the future in such geographic area as the Board may deem advisable.

(3) The said section 66 is further amended by adding thereto the following subsections:

R.S.O. 1960,  
c. 202, s. 66  
(1966, c. 76,  
s. 25),  
amended

- (1b) Where a trade union, council of trade unions, employer or employers' organization referred to in subsection 1 of section 108 files a complaint under subsection 1 and if each party affected by the complaint has designated a jurisdictional representative as provided under section 108, the Registrar or such other person as may be designated by the chairman shall immediately notify the respective designated jurisdictional representatives by telephone and telegram of the filing of the complaint.
- (1c) The designated jurisdictional representatives involved shall forthwith meet and endeavour to effect a settlement of the matters complained of and shall report the results of their endeavours to the Board within fourteen days from the day of the filing of the complaint.
- (1d) Where the designated jurisdictional representatives unanimously agree to a settlement of the matter complained of, it shall be reduced to writing, signed by the respective representatives and filed with the Board within the time set by subsection 1c.
- (1e) Where a settlement is filed with the Board under subsection 1d, the Board, after such consultation with the designated jurisdictional representatives as it deems advisable in order to clarify the terms of the settlement, shall embody the settlement and any agreed to changes necessary for its clarification in the form of a direction under subsection 1 and shall file it in the prescribed form in the office of the Registrar of the Supreme Court, whereupon the direction shall be entered in the same way as a judgment or order of that court.
- (1f) Where the designated jurisdictional representatives are notified under subsection 1b, the Board shall not, except as provided in subsection 2, proceed with the inquiry referred to in subsection 1 until the expiry of the fourteen day period referred to in subsection 1c.

Notice to  
jurisdictional  
representa-  
tives

Meeting of  
jurisdictional  
representa-  
tives

Filing of  
settlement  
with Board

Filing of  
settlement  
in S.C.O.

Time of  
inquiry

R.S.O. 1960,  
c. 202, s. 66  
(1966, c. 76,  
s. 25),  
subs. 7,  
amended

(4) Subsection 7 of the said section 66 is amended by striking out "Notwithstanding subsections 1 and 2" in the first line, so that the subsection shall read as follows:

Postpone-  
ment of  
inquiry

(7) Where a trade union or a council of trade unions and an employer or an employers' organization have made an arrangement to resolve any differences between them arising from the assignment of work, the Board may, upon such terms and conditions as it may fix, postpone inquiring into a complaint under this section until the difference has been dealt with in accordance with such arrangement.

R.S.O. 1960,  
c. 202, s. 66  
(1966, c. 76,  
s. 25),  
subs. 8,  
amended

(5) Subsection 8 of the said section 66 is amended by striking out "No complaint under this section may be" in the first line and inserting in lieu thereof "The Board shall not inquire into a complaint", so that the subsection shall read as follows:

Where no  
complaint  
may be  
made

(8) The Board shall not inquire into a complaint made by a trade union, council of trade unions, employer or employers' organization that has entered into a collective agreement that contains a provision requiring the reference of any difference between them arising out of work assignment to a tribunal mutually selected by them with respect to any difference as to work assignment that can be resolved under the collective agreement, and such trade union, council of trade unions, employer or employers' organization shall do or abstain from doing anything required of it by the decision of such tribunal.

R.S.O. 1970,  
c. 202,  
amended

**31.** *The Labour Relations Act* is amended by adding thereto the following section:

Notice of  
claim for  
damages  
after  
unlawful  
strike or  
lock-out  
where no  
collective  
agreement

68a.—(1) Where the Board declares that a trade union or council of trade unions has called or authorized an unlawful strike or that an employer or employers' organization has called or authorized an unlawful lock-out and no collective agreement is in operation between the trade union or council of trade unions and the employer or employers' organization, as the case may be, the trade union or council of trade unions or employer or employers' organization, may within fifteen days of the release of the Board's declaration, but not thereafter, notify the employer or employers' organization or trade union or council of trade unions, as the case may be, in writing of its intention to claim damages for the unlawful strike or

lock-out, and the notice shall contain the name of its appointee to an arbitration board.

- (2) The recipient of the notice shall within five days <sup>Appointment of arbitration board</sup> inform the sender of the notice of the name of its appointee to the arbitration board.
- (3) The two appointees so selected shall, within five <sup>Idem</sup> days of the appointment of the second of them, appoint a third person who shall be the chairman.
- (4) If the recipient of the notice fails to name an ap- <sup>Idem</sup> pointee, or if the two appointees fail to agree upon a chairman within the time limited, the appointment shall be made by the Minister upon the request of either party.
- (5) The arbitration board shall hear and determine the <sup>Decision of arbitration board</sup> claim for damages including any question as to whether the claim is arbitrable and shall issue a decision and the decision is final and binding upon the parties to the arbitration, and,
  - (a) in the case of a council of trade unions, upon the members of affiliates of the council who are affected by the decision; and
  - (b) in the case of an employers' organization, upon the employers in the organization who are affected by the decision.
- (6) The decision of a majority is the decision of the <sup>Idem</sup> arbitration board, but if there is no majority the decision of the chairman governs.
- (7) The chairman and members of the arbitration <sup>Remuneration of members of board</sup> board under this section shall be paid remuneration and expenses at the same rate as is payable to a chairman and members of a conciliation board under this Act, and the parties to the arbitration are jointly and severally liable for the payment of such fees and expenses.
- (8) In an arbitration under this section, subsections 5, <sup>Procedure of board</sup> 6, 7, 9 and 10 of section 34 apply *mutatis mutandis*.

**32.** Clauses *a* and *b* of subsection 1 of section 69 of *The Labour Relations Act* are repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 202, s. 69, subs. 1, cls. a, b, re-enacted</sup>

(a) if an individual, to a fine of not more than \$1,000; or

(b)

- (b) if a corporation, trade union, council of trade unions or employers' organization, to a fine of not more than \$10,000.

R.S.O. 1960,  
c. 202, s. 73  
(1966, c. 76,  
s. 26),  
amended

**33.** Section 73 of *The Labour Relations Act*, as re-enacted by section 26 of *The Labour Relations Amendment Act, 1966*, is amended by inserting after "66" in the fifth line "or a direction of the Board under section 107", and by inserting after "board" in the sixth line "including a decision under section 68a", so that the section shall read as follows:

Proceedings  
in S.C.O.

73. Where a trade union, a council of trade unions or an unincorporated employers' organization is affected by a determination of the Board under section 65, an interim order or direction of the Board under section 66 or a direction of the Board under section 107 or a decision of an arbitrator or arbitration board including a decision under section 68a, proceedings to enforce the determination, interim order, direction or decision may be instituted in the Supreme Court by or against such union, council or organization in the name of the union, council or organization, as the case may be.

R.S.O. 1960,  
c. 202, s. 75,  
subs. 3a  
(1961-62,  
c. 68, s. 10,  
subs. 1),  
amended

**34.**—(1) Subsection 3a of section 75 of *The Labour Relations Act*, as enacted by subsection 1 of section 10 of *The Labour Relations Amendment Act, 1961-62*, is amended by striking out "96" in the fifth line and inserting in lieu thereof "108", so that the subsection shall read as follows:

Construction  
industry  
division

- (3a) One of the divisions of the Board shall be designated by the chairman as the construction industry division, and it shall exercise the powers of the Board under this Act in proceedings to which sections 90 to 108 apply, but nothing in this subsection impairs the authority of any other division to exercise such powers.

R.S.O. 1960,  
c. 202, s. 75,  
amended

(2) The said section 75 is amended by adding thereto the following subsection:

Resignation  
of member

- (4a) Where a member of the Board resigns, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not ceased to be a member, in connection with any matter in respect of which there was any proceeding in which he participated as a member of the Board.

R.S.O. 1960,  
c. 202, s. 75,  
subs. 8,  
re-enacted

(3) Subsection 8 of the said section 75 is repealed and the following substituted therefor:

- (8) The decision of the majority of the members of the Board present and constituting a quorum is the decision of the Board, but, if there is no majority, the decision of the chairman or vice-chairman governs. Decisions

(4) Subsection 9a of the said section 75, as enacted by subsection 3 of section 10 of *The Labour Relations Amendment Act, 1961-62* and amended by section 9 of *The Labour Relations Amendment Act, 1964*, is further amended by striking out "96" in the third line and inserting in lieu thereof "108", so that the subsection shall read as follows: R.S.O. 1960,  
c. 202, s. 75,  
subs. 9a  
(1961-62,  
c. 68, s. 10,  
subs. 3),  
amended

- (9a) The Board may, subject to the approval of the Lieutenant Governor in Council, make rules to expedite proceedings before the Board to which sections 90 to 108 apply, and such rules may provide that, for the purposes of determining the merits of an application for certification to which sections 90 to 92 apply, the Board shall make or cause to be made such examination of records and such other inquiries as it deems necessary, but the Board need not hold a hearing on such an application. Rules  
applicable  
to con-  
struction  
industry

**35.**—(1) Subsection 2 of section 77 of *The Labour Relations Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 202, s. 77,  
subs. 2,  
amended

- (k) to determine the form in which and the time as of which evidence of representation by an employers' organization or of objection by employers to accreditation of an employers' organization or of signification by employers that they no longer wish to be represented by an employers' organization shall be presented to the Board in an application for accreditation or for a declaration terminating bargaining rights of an employers' organization and to refuse to accept any evidence of representation or objection or signification that is not presented in the form and as of the time so determined.

(2) The said section 77 is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 202, s. 77,  
amended

- (5) Where the Board determines that a representation vote is to be taken amongst the employees in a bargaining unit or voting constituency, the Board may hold such additional representation votes as it considers necessary to determine the true wishes of the employees. Additional  
votes
- (6) Where, in the taking of a representation vote, the Board determines that the employees are to be given a choice between two or more trade unions, Idem

- (a) the Board may include on a ballot a choice indicating that an employee does not wish to be represented by a trade union; and
- (b) the Board, when it decides to hold such additional representation votes as may be necessary, may eliminate from the choice on the ballot the choice from the previous ballot that has obtained the lowest number of votes cast.

R.S.O. 1960,  
c. 202, s. 79a,  
subs. 2  
(1966, c. 76,  
s. 33),  
amended

**36.** Subsection 2 of section 79a of *The Labour Relations Act*, as enacted by section 33 of *The Labour Relations Amendment Act, 1966*, is amended by striking out "10" in the fifth line and inserting in lieu thereof "11".

R.S.O. 1960,  
c. 202, s. 85,  
subs. 2,  
re-enacted

**37.**—(1) Subsection 2 of section 85 of *The Labour Relations Act* is repealed and the following substituted therefor:

Time of  
making  
certain  
applications

- (2) An application for certification or accreditation or for a declaration that a trade union or employers' organization no longer represents the employees or employers, as the case may be, in a bargaining unit, if sent by registered mail addressed to the Board at Toronto, shall be deemed to have been made on the date on which it was so mailed.

R.S.O. 1960,  
c. 202, s. 85,  
subs. 4  
(1966, c. 76,  
s. 35),  
amended

(2) Subsection 4 of the said section 85, as enacted by section 35 of *The Labour Relations Amendment Act, 1966*, is amended by inserting after "66" in the fourth line "or a direction of the Board under section 107" and by inserting after "board" in the fifth line "including a decision under section 68a", so that the subsection shall read as follows:

Failure  
to receive  
documents  
a defence

- (4) Proof by a person, employers' organization, trade union or council of trade unions of failure to receive a determination under section 65 or an interim order or direction under section 66 or a direction of the Board under section 107, or a decision of an arbitrator or of an arbitration board including a decision under section 68a sent by mail to such person, employers' organization, trade union or council of trade unions addressed to him or it at his or its last-known address is a defence by such person, employers' organization, trade union or council of trade unions to an application for consent to institute a prosecution or to any proceedings to enforce as a judgment or order of the Supreme Court such determination, interim order, direction or decision.

R.S.O. 1960,  
c. 202, s. 88,  
cl. f,  
amended

**38.** Clause f of section 88 of *The Labour Relations Act* is amended by striking out "and 66" in the third line and insert-

ing in lieu thereof "66, 68*a* and 107", so that the clause shall read as follows:

- (f) prescribing forms and providing for their use, including the form in which the documents mentioned in sections 34, 65, 66, 68*a* and 107 shall be filed in the Supreme Court.

**39.** Section 90 of *The Labour Relations Act*, as enacted by R.S.O. 1960, c. 202, s. 90 section 16 of *The Labour Relations Amendment Act, 1961-62*, (1961-62, c. 68, s. 16), is repealed and the following substituted therefor: re-enacted

90. In this section and in sections 91 to 108,

Interpreta-  
tion

- (a) "council of trade unions" means a council that is formed for the purpose of representing or that according to established bargaining practice represents trade unions as defined in clause *f*;
- (b) "employee" includes an employee engaged in whole or in part in off-site work but who is commonly associated in his work or bargaining with on-site employees.
- (c) "employer" means a person who operates a business in the construction industry, and for purposes of an application for accreditation means an employer for whose employees a trade union or council of trade unions affected by the application has bargaining rights in a particular geographic area and sector or areas or sectors or parts thereof;
- (d) "employers' organization" means an organization that is formed for the purpose of representing or represents employers as defined in clause *c*;
- (e) "sector" means a division of the construction industry as determined by work characteristics and includes the industrial, commercial and institutional sector, the residential sector, the sewers, tunnels and watermains sector, the roads sector, the heavy engineering sector, the pipeline sector and the electrical power systems sector;
- (f) "trade union" means a trade union that according to established trade union practice pertains to the construction industry.

R.S.O. 1960,  
c. 202, s. 91  
(1961-62,  
c. 68, s. 16),  
amended

**40.** Section 91 of *The Labour Relations Act*, as enacted by section 16 of *The Labour Relations Amendment Act, 1961-62* and amended by section 38 of *The Labour Relations Amendment Act, 1966*, is further amended by striking out "96" in the second line and in the third line and inserting in lieu thereof in each instance "108", so that the section shall read as follows:

Conflict

91. Where there is conflict between any provision in sections 92 to 108 and any provision in sections 5 to 43 and 47 to 88, the provisions in sections 92 to 108 prevail.

R.S.O. 1960,  
c. 202,  
amended

**41.** *The Labour Relations Act* is amended by adding thereto the following sections:

Accredita-  
tion of  
employers'  
organization

97. Where a trade union or council of trade unions has been certified or has been granted voluntary recognition under section 13 as the bargaining agent for a unit of employees of more than one employer in the construction industry or where a trade union or council of trade unions has entered into collective agreements with more than one employer covering a unit of employees in the construction industry, an employers' organization may apply to the Board to be accredited as the bargaining agent for all employers in a particular sector of the industry and in the geographic area described in the said certificates, voluntary recognition documents or collective agreements, as the case may be.

Board to  
determine  
appropriate-  
ness of unit

98.—(1) Upon an application for accreditation, the Board shall determine the unit of employers that is appropriate for collective bargaining in a particular geographic area and sector, but the Board need not confine the unit to one geographic area or sector but may, if it considers it advisable, combine areas or sectors or both or parts thereof.

Idem

(2) The unit of employers shall comprise all employers as defined in clause *c* of section 90 in the geographic area and sector determined by the Board to be appropriate.

Determi-  
nations by  
Board

99.—(1) Upon an application for accreditation the Board shall ascertain,

(a) the number of employers in the unit of employers on the date of the making of the application who have within one year prior to such date had employees in their employ

for whom the trade union or council of trade unions has bargaining rights in the geographic area and sector determined by the Board to be appropriate;

- (b) the number of employers in clause *a* represented by the employers' organization on the date of the making of the application; and
- (c) the number of employees of employers in clause *a* on the payroll of each such employer for the weekly payroll period immediately preceding the date of the application or if, in the opinion of the Board, such payroll period is unsatisfactory for any one or more of the employers in clause *a*, such other weekly payroll period for any one or more of the said employers as the Board considers advisable.

(2) If the Board is satisfied,

Accredita-  
tion

- (a) that a majority of the employers in clause *a* of subsection 1 are represented by the employers' organization; and
- (b) that such majority of employers employed a majority of the employees in clause *c* of subsection 1,

the Board, subject to subsection 3, shall accredit the employers' organization as the bargaining agent of the employers in the unit of employers and for such other employers for whose employees the trade union or council of trade unions may, after the date of the making of the application, obtain bargaining rights through certification or voluntary recognition in the appropriate geographic area and sector.

- (3) Before accrediting an employers' organization under subsection 2, the Board shall satisfy itself that the employers' organization is a properly constituted organization and that each of the employers whom it represents has vested appropriate authority in the organization to enable it to discharge the responsibilities of an accredited bargaining agent. Authority  
of employers'  
organization
- (4) Where the Board is of the opinion that appropriate <sup>Idem</sup> authority has not been vested in the employers' organization, the Board may postpone disposition of the application to enable employers represented by the organization to vest such additional or other authority in the organization as the Board considers necessary.

What  
employers'  
organization  
not to be  
accredited

- (5) The Board shall not accredit any employers' organization if any trade union or council of trade unions has participated in its formation or administration or has contributed financial or other support to it or if it discriminates against any person because of his race, creed, colour, nationality, ancestry or place of origin.

Effect of  
accreditation

- 100.—(1) Upon accreditation, all rights, duties and obligations under this Act of employers for whom the accredited employers' organization is or becomes the bargaining agent apply *mutatis mutandis* to the accredited employers' organization.

Effect of  
accreditation  
on collective  
agreements

- (2) Upon accreditation, any collective agreement in operation between the trade union or council of trade unions and any employer in clause *a* of subsection 1 of section 99 is binding on the parties thereto only for the remainder of the term of operation of the agreement, regardless of any provision therein respecting its renewal.

Idem

- (3) When any collective agreement mentioned in subsection 2 ceases to operate, the employer shall thereupon be bound by any collective agreement then in existence between the trade union or council of trade unions and the accredited employers' organization or subsequently entered into by the said parties.

Idem

- (4) Where, after the date of the making of an application for accreditation, the trade union or council of trade unions obtains bargaining rights for the employees of an employer through certification or voluntary recognition, that employer is bound by any collective agreement in existence at the time of the certification or voluntary recognition between the trade union or council of trade unions and the applicant employers' organization or subsequently entered into by the said parties.

Idem

- (5) A collective agreement between a trade union or council of trade unions and an employer who, but for the one-year requirement, would have been included in clause *a* of subsection 1 of section 99 is binding on the parties thereto only for the remainder of the term of operation of the agreement regardless of any provisions therein respecting its renewal.

- (6) When any collective agreement mentioned in subsection 5 ceases to operate, the employer shall thereupon be bound by any collective agreement then in existence between the trade union or council of trade unions and the accredited employers' organization or subsequently entered into by the said parties. <sup>Idem</sup>
- (7) Where, under the provisions of this section, an employer becomes bound by a collective agreement between a trade union or council of trade unions and an accredited employers' organization after the said agreement has commenced to operate, the agreement ceases to be binding on the employer in accordance with the terms thereof, notwithstanding subsection 1 of section 39. <sup>Application of s. 39, subs. 1</sup>
- 101.—(1) Subsections 1 and 2 of section 38 do not apply to an accredited employers' organization. <sup>Application of s. 38, subs. 1, 2</sup>
- (2) A collective agreement between an accredited employers' organization and a trade union or council of trade unions is, subject to and for the purposes of this Act, binding upon the accredited employers, organization and the trade union or council of trade unions, as the case may be, and upon each employer in the unit of employers represented by the accredited employers' organization at the time the agreement was entered into and upon such other employers as may subsequently be bound by the said agreement, as if it was made between each of such employers and the trade union or council of trade unions and, if any such employer ceases to be represented by the accredited employers' organization during the term of operation of the agreement, the employer shall, for the remainder of the term of operation of the agreement, be deemed to be a party to a like agreement with the trade union or council of trade unions. <sup>Binding effect of collective agreement on employer</sup>
- (3) A collective agreement between an accredited employers' organization and a trade union or council of trade unions is binding on the employees in the bargaining unit defined in the agreement of any employer bound by the collective agreement. <sup>Binding effect of collective agreement on employees</sup>
- 102.—(1) If an accredited employers' organization does not make a collective agreement with the trade union or council of trade unions, as the case may be, within one year after its accreditation, any of the employers in the unit of employers determined in the <sup>Termination of accreditation</sup>

accreditation certificate may apply to the Board only during the two months following the said one year for a declaration that the accredited employers' organization no longer represents the employers in the unit of employers.

*Idem*

- (2) Any of the employers in the unit of employers defined in a collective agreement between an accredited employers' organization and a trade union or council of trade unions, as the case may be, may apply to the Board only during the last two months of its operation for a declaration that the accredited employers' organization no longer represents the employers in the unit of employers.

Deter-  
mination by  
Board

- (3) Upon an application under subsection 1 or 2, the Board shall ascertain,

- (a) the number of employers in the unit of employers on the date of the making of the application;
- (b) the number of employers in the unit of employers who, within the two-month period immediately preceding the date of the making of the application, have voluntarily signified in writing that they no longer wish to be represented by the accredited employers' organization; and
- (c) the number of employees affected by the application of employers in the unit of employers on the payroll of each such employer for the weekly payroll period immediately preceding the date of the making of the application or if, in the opinion of the Board, such payroll period is unsatisfactory for any one or more of the employers in clause *a*, such other weekly payroll period for any one or more of the said employers as the Board considers advisable.

Declaration  
by Board

- (4) If the Board is satisfied,

- (a) that a majority of the employers in clause *a* of subsection 3 has voluntarily signified in writing that they no longer wish to be represented by the accredited employers' organization; and

(b)

- (b) that such majority of employers employed a majority of the employees in clause c of subsection 3,

the Board shall declare that the employers' organization that was accredited or that was or is a party to the collective agreement, as the case may be, no longer represents the employers in the unit of employers.

- (5) Upon an application under subsections 1 or 2, when the employers' organization informs the Board that it does not desire to continue to represent the employers in the unit of employers, the Board may declare that the employers' organization no longer represents the employers in the unit. Declaration of termination on abandonment

- (6) Upon the Board making a declaration under subsection 4 or 5, Effect of declaration

- (a) any collective agreement in operation between the trade union or council of trade unions and the employers' organization that is binding upon the employers in the unit of employers ceases to operate forthwith;

- (b) all rights, duties and obligations under this Act of the employers' organization revert *mutatis mutandis* to the individual employers represented by the employers' organization; and

- (c) the trade union or council of trade unions, as the case may be, is entitled to give to any employer in the unit of employers a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 11.

- 103.—(1) No trade union or council of trade unions that has bargaining rights for employees of employers represented by an accredited employers' organization and no such employer or person acting on behalf of such employer, trade union or council of trade unions shall, so long as the accredited employers' organization continues to be entitled to represent the employers in a unit of employers, bargain with each other with respect to such employees or enter

into a collective agreement designed or intended to be binding upon such employees and if any such agreement is entered into it is void.

Agreements  
to provide  
employees  
during  
lawful strike  
or lock-out  
prohibited

- (2) No trade union or council of trade unions that has bargaining rights for employees of employers represented by an accredited employers' organization and no such employer or person acting on behalf of the employer, trade union or council of trade unions shall, so long as the accredited employers' organization continues to be entitled to represent the employers in a unit of employers, enter into any agreement or understanding, oral or written, that provides for the supply of employees during a legal strike or lock-out, and if any such agreement or understanding is entered into it is void and no such trade union or council of trade unions or person shall supply such employees to the employer.

Saving

- (3) Nothing in this Act prohibits an employer, represented by an accredited employers' organization, from continuing or attempting to continue his operations during a strike or lock-out involving employees of employers represented by the accredited employers' organization.

Duty of  
fair repre-  
sentation by  
employers'  
organization

104. An accredited employers' organization, so long as it continues to be entitled to represent employers in a unit of employers, shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employers in the unit, whether members of the accredited employers' organization or not.

Membership  
in em-  
ployers'  
organization

105. Membership in an accredited employers' organization shall not be denied or terminated except for cause which, in the opinion of the Board, is fair and reasonable.

Fees

106. An accredited employers' organization shall not charge, levy or prescribe initiation fees, dues or assessments that, in the opinion of the Board, are unreasonable or discriminatory.

Direction by  
Board re  
unlawful  
strike

- 107.—(1) Where on the complaint of an interested person, trade union, council of trade unions or employers' organization the Board is satisfied that a trade union or council of trade unions called or authorized or threatened to call or authorize an unlawful strike or that an officer, official or agent of a trade union or council of trade unions counselled or procured or supported or encouraged an unlawful

strike

strike or threatened an unlawful strike, or that employees engaged in or threatened to engage in an unlawful strike, it may direct what action if any a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful strike or the threat of an unlawful strike.

- (2) Where on the complaint of an interested person, trade union, council of trade unions or employers' organization the Board is satisfied that an employer or employers' organization called or authorized or threatened to call or authorize an unlawful lock-out or locked out or threatened to lock out employees or that an officer, official or agent of an employer or employers' organization counselled or procured or supported or encouraged an unlawful lock-out or threatened an unlawful lock-out, it may direct what action if any a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful lock-out or the threat of an unlawful lock-out. Direction by Board re unlawful lock-out
  - (3) The Board shall file in the office of the Registrar of the Supreme Court a copy of a direction made under this section, exclusive of the reasons therefor, in the prescribed form, whereupon the direction shall be entered in the same way as a judgment or order of that court. Enforcement of direction by S.C.O.
- 108.—(1) Every trade union, council of trade unions, employer and employers' organization in the construction industry shall, on or before the 1st day of April, 1971, or within fifteen days after it has entered into a collective agreement, whichever is later, file with the Board a notice in the prescribed form giving the name and address of a person resident in Ontario who is authorized by the trade union, council of trade unions, employer or employers' organization to act as a designated jurisdictional representative in the event of a dispute as to the assignment of work. Designation of jurisdictional representative
- (2) Whenever a trade union, council of trade unions, employer or employers' organization changes the authorization referred to in subsection 1, it shall file with the Board notice thereof in the prescribed form within fifteen days after making such change. Idem

Idem

- (3) Where a trade union, council of trade unions, employer or employers' organization files a complaint under subsection 1 of section 66 and it has not complied with subsection 1 or 2, it shall file the required notice with the complaint.

Commence-  
ment

**42.**—(1) This Act, except section 15 and subsection 3 of section 30, comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

- (2) Section 15 comes into force on the 1st day of July, 1972.

Idem

- (3) Subsection 3 of section 30 comes into force on the 1st day of April, 1971.

Short title

**43.** This Act may be cited as *The Labour Relations Amendment Act, 1970 (No. 2)*.

## CHAPTER 86

## An Act to amend The Municipal Act

*Assented to November 13th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 282 of *The Municipal Act*, as amended by R.S.O. 1960, c. 249, s. 282, section 9 of *The Municipal Amendment Act, 1960-61*, is amended further amended by adding thereto the following subsections:

- (3a) Notwithstanding subsection 3, a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may by by-law, without the assent of the electors,
- Instalment  
debentures  
and  
debentures  
to refund  
existing  
debentures  
at maturity  
R.S.O. 1960,  
c. 259
- (a) authorize the borrowing of money by the issue of instalment debentures the last instalment of which shall mature not earlier than ten years after the date upon which they are issued and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a rate or rates imposed on such persons or property as may be specified in the by-law and such rate or rates shall be levied upon the same persons or property in each case.

. . . . .

Exchange of  
debentures  
permitted  
R.S.O. 1960,  
c. 259

- (14) On request of the owner of any debenture issued by a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act*, the treasurer of the municipality may issue and deliver to such owner a new debenture or debentures in exchange therefor, for the same aggregate principal amount, bearing the same rate of interest and maturing on the same date as the debenture so exchanged and bearing all unmatured interest obligations, and the new debenture or debentures shall be deemed to be issued under the same by-law as the debentures so exchanged.

Fully  
registered  
debentures

- (15) Any new debenture mentioned in subsection 14 may be registered as to both principal and interest with provision for payment of interest by cheque, or may be payable to bearer with provision for registration as to principal only and have coupons attached for the payment of interest but in all other respects shall be of the same force and effect as the debenture surrendered for exchange.

Destruction  
of  
debentures  
surrendered  
for exchange

- (16) All debentures surrendered for exchange under subsection 14 shall be cancelled and destroyed in the presence of the treasurer and some other person designated for the purpose by by-law or resolution of the council of the municipality and they shall certify in the Debenture Registry Book that the debentures have been cancelled and destroyed and enter therein particulars of any new debentures issued in exchange.

By-law to  
provide for  
exchange of  
debentures

- (17) A money by-law may provide for exchanges of debentures as provided for in subsection 14 on such terms and conditions as to notice or otherwise as the by-law may provide.

R.S.O. 1960,  
c. 249,  
amended

**2.** *The Municipal Act* is amended by adding thereto the following section:

- 282a. Notwithstanding any other provision in this Act,
- (a) a money by-law of a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the municipality to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the municipality of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;  
Debentures payable on a fixed date subject to the annual redemption by lot of a specified principal amount R.S.O. 1960, c. 259
  - (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue on date set for redemption  
interest ceases to accrue on date set for redemption
  - (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the municipality at a public meeting of the council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the municipality, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;  
debentures to be redeemed may be purchased
  - (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;  
notice to redeem to be sent by mail
  - (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;  
notice to redeem to be published
  - (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the  
where only portion of debentures payable on fixed date

obligation of the municipality to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

annual  
amounts  
payable to  
be  
approx-  
imately equal

- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal.

R.S.O. 1960,  
c. 249, s. 284,  
re-enacted

3. Section 284 of *The Municipal Act* is repealed and the following substituted therefor:

Sinking fund  
debentures

284.—(1) Notwithstanding section 282 and subject to the approval of the Department, a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may provide in any money by-law for the issuing of debentures that the principal shall be made payable on a fixed date with interest payable annually or semi-annually, in which case the debentures issued under the by-law shall be known as sinking fund debentures.

R.S.O. 1960,  
c. 259

Amounts to  
be raised  
annually

- (2) The by-law shall provide for the raising in each year during the currency of the debentures, by a special rate on all the rateable property in the municipality, of
- (a) a specific amount, sufficient to pay the interest on the debentures; and
  - (b) a specific amount for the sinking fund which, with interest at a rate not to exceed 5 per cent per annum, compounded yearly, will be sufficient to pay the principal of the debentures at maturity,

to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any other by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act.

Amounts  
raised  
annually to  
be paid to a  
bank or trust  
Company

- (3) Every money by-law passed under this section shall provide that the municipality shall, under the terms of an agreement approved by the Department, deposit with a chartered bank or a trust company

that

that is registered under *The Loan and Trust Corporations Act* the annual amount to be raised under clause *b* of subsection 2 and such amount shall be so deposited on or before the anniversary date in each year of the currency of the debentures. R.S.O. 1960.  
c. 222

- (4) The bank or trust company shall receive all specific amounts raised for sinking fund purposes and the income from all the investments of the sinking fund and shall from time to time invest the money so received and may vary any investment. Powers of  
bank or  
trust  
company
- (5) The bank or trust company may invest, Authorized  
investments
- (a) in securities in which a trustee may invest under the provisions of *The Trustee Act*; R.S.O. 1960.  
c. 408.
  - (b) in securities issued by the United States of America;
  - (c) in such other securities as are authorized by the Lieutenant Governor in Council;
  - (d) in the debentures to the payment of which the sinking fund is applicable; and
  - (e) with the approval of the Department, not more than 25 per cent of the total sinking fund at any one time in other debentures of the municipality,

provided that the securities in which the sinking fund or any part thereof is invested shall mature or be redeemable at the option of the holder not later than the maturity date of the debentures to the payment of which the sinking fund is applicable.

- (6) The bank or trust company shall, not later than the 31st day of January in each year, submit to the Department and to the auditor of the municipality a financial statement of the sinking fund at the close of the previous calendar year and such statement shall contain a list of the investments held in the sinking fund. Annual  
financial  
statement to  
be submitted  
by bank or  
trust  
company
- (7) When, at the 31st day of December in any year, there is a balance in the sinking fund in excess of the amount then required for the retirement of the sinking fund debentures as certified by the auditor, such balance or part thereof shall, upon the written request of the municipality, be applied Surplus in  
sinking  
fund

by the bank or trust company to the payment of the amount required for such sinking fund in the next succeeding year and the amount of the payment required to be paid to the bank or trust company in such year in accordance with subsection 3 and the levy for the sinking fund in such year shall be reduced accordingly.

Deficiency in  
sinking fund

- (8) When, at the 31st day of December in any year, the amount of a sinking fund is less than the amount then required for the retirement of the sinking fund debentures as certified by the auditor, the municipality shall pay to the bank or trust company an amount sufficient to make up the deficiency in the sinking fund.

Disposition  
of sinking  
fund at  
maturity of  
debentures

- (9) At the maturity of the debentures for which the sinking fund was established, the bank or trust company shall pay to the treasurer of the municipality the amount accumulated in the sinking fund.

R.S.O. 1960,  
c. 249, s. 285,  
subs. 3,  
re-enacted

4. Subsection 3 of section 285 of *The Municipal Act* is repealed and the following substituted therefor:

Approval of  
Department

- (3) No by-law for the borrowing and raising of money by the issue of debentures expressed and payable in the currency of Great Britain or of the United States of America shall be passed until approved by the Department.

Debentures  
payable in  
foreign  
currency

- (4) Notwithstanding any other provision of this Act or any other Act, and in addition to all other types of debentures authorized to be issued under this Act, a local municipality having a population of not less than 75,000 as determined under *The Municipal Unconditional Grants Act* may by by-law, without the assent of the electors but subject to the prior approval of the Lieutenant Governor in Council, authorize the borrowing of money by the issue of debentures payable as to principal and interest and redemption premium, if any, in a currency other than that of Canada, the United States of America or Great Britain as the council of the municipality considers expedient.

R.S.O. 1960,  
c. 249,  
Pt. XII,  
amended

5. Part XII of *The Municipal Act* is amended by adding thereto the following section:

Regulations

293a. The Lieutenant Governor in Council may make such regulations as he considers necessary for carrying out the purposes of this Part.

**6.** Sections 313, 314, 315 and 316 of *The Municipal Act* are repealed.

R.S.O. 1960,  
c. 249, ss.  
313-316,  
repealed

**7.** Section 323 of *The Municipal Act* is amended by adding thereto the following subsections:

R.S.O. 1960,  
c. 249,  
s. 323,  
amended

- (4) A debenture may be registered as to both principal and interest in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.
- (5) Where debentures are payable in a currency other than that of Canada, the council may provide that the Debenture Registry Book of the corporation in respect of such debentures be maintained outside of Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the council may deem appropriate.

Registration of  
debenture  
as to  
principal  
and  
interest

When  
Debenture  
Registry  
Book may  
be main-  
tained out-  
side Canada

**8.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**9.** This Act may be cited as *The Municipal Amendment Act, 1970 (No. 3)*.

Short title



## CHAPTER 87

## An Act to amend The Vital Statistics Act

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The Vital Statistics Act* is amended by striking out "who shall be deemed to be a deputy minister under *The Public Service Act*" in the second, third and fourth lines and by striking out "directly" in the fifth line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 419, s. 4,  
subs. 1,  
amended

- (1) There shall be a Deputy Registrar General appointed by the Lieutenant Governor in Council who shall have direct supervision of the office of the Registrar General and be responsible to the Registrar General for the conduct of his office and who shall perform such other duties as may be prescribed by the regulations or delegated to him by the Registrar General.

Deputy  
Registrar  
General

2.—(1) Subsection 4 of section 6 of *The Vital Statistics Act*, as re-enacted by section 1 of *The Vital Statistics Amendment Act, 1960-61* and amended by subsection 1 of section 1 of *The Vital Statistics Amendment Act, 1962-63*, is further amended by striking out "subsections 4a and" in the amendment of 1962-63 and inserting in lieu thereof "subsection", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 419, s. 6,  
subs. 4  
(1960-61,  
c. 102, s. 1),  
amended

- (4) Except as provided in subsection 4c, the birth of a child of a married woman shall be registered showing the surname of the husband as the surname of the child, and the particulars of the husband shall be given as those of the father of the child.

Birth of  
child to  
married  
woman

(2) Subsections 4a and 4b of the said section 6, as enacted by section 1 of *The Vital Statistics Amendment Act, 1960-61*, are repealed.

R.S.O. 1960,  
c. 419, s. 6,  
subss. 4a, 4b  
(1960-61,  
c. 102, s. 1),  
repealed

R.S.O. 1960,  
c. 419, s. 6,  
subs. 4c  
(1962-63,  
c. 141, s. 1,  
subs. 2),  
amended

Further  
alternative  
procedure  
in certain  
cases

(3) Subsection 4c of the said section 6, as enacted by subsection 2 of section 1 of *The Vital Statistics Amendment Act, 1962-63*, is amended by adding "and" at the end of clause a and by striking out clauses c and d, so that the subsection shall read as follows:

(4c) Where a married woman to whom a child is born files with the division registrar a statutory declaration in the prescribed form,

(a) that when the child was conceived she was living separate and apart from her husband; and

(b) that her husband is not the father of the child,

no particulars of the father shall be given in the statement mentioned in subsection 1, unless the mother and a person who acknowledges himself to be the father of the child both so request in writing in the prescribed form, in which case the particulars of the person so acknowledging may be given as the particulars of the father, or the birth may be registered showing the surname of the person so acknowledging as the surname of the child, or both.

R.S.O. 1960,  
c. 419, s. 28,  
subs. 2,  
re-enacted;  
subs. 3-6,  
repealed

**3.** Subsections 2, 3, 4, 5 and 6 section 28 of *The Vital Statistics Act* are repealed and the following substituted therefor:

Registration  
of statement

(2) If the marriage dissolved or annulled by the decree was solemnized in Ontario and registered with the Registrar General, the Registrar General, upon receipt of the statement of the divorce, shall register the statement.

R.S.O. 1960,  
c. 419, s. 29,  
repealed

**4.** Section 29 of *The Vital Statistics Act* is repealed.

R.S.O. 1960,  
c. 419, s. 50,  
amended

**5.** Section 50 of *The Vital Statistics Act*, as amended by section 7 of *The Vital Statistics Amendment Act, 1965*, is further amended by adding thereto the following subsection:

Statistics  
excepted

(2) Nothing in subsection 1 prohibits the furnishing and publication of information of a general statistical nature that does not disclose information about any individual person.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The Vital Statistics Amendment Act, 1970*.

## CHAPTER 88

**An Act to amend  
The Day Nurseries Act, 1966**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 3 of *The Day Nurseries Act, 1966*,<sup>1966, c. 37, s. 3, subs. 2</sup> as re-enacted by section 2 of *The Day Nurseries Amendment Act, 1968-69*,<sup>(1968-69, c. 23, s. 2).</sup> is amended by inserting after "nursery" in the second line "or enters into an agreement with any person or organization operating a licensed day nursery for the furnishing of such day nursery services for such children as is agreed upon" and by striking out "payment" in the second line and inserting in lieu thereof "payments", so that the subsection shall read as follows:

- (2) Where a council of the band establishes a day nursery<sup>Grants to Indian bands</sup> or enters into an agreement with any person or organization operating a licensed day nursery for the furnishing of such day nursery services for such children as is agreed upon, the band is entitled to the payments referred to in subsection 1 in the same manner as if the band were a municipality.

**2.** This Act comes into force on the day it receives Royal<sup>Commence-</sup> Assent.<sup>ment</sup>

**3.** This Act may be cited as *The Day Nurseries Amendment Act, 1970*.<sup>Short title</sup>



## CHAPTER 89

**An Act to amend  
The General Welfare Assistance Act**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 10 of *The General Welfare Assistance Act*, <sup>R.S.O. 1960, c. 164, s. 10, amended</sup> as amended by section 8 of *The General Welfare Assistance Amendment Act, 1967*, is further amended by adding thereto the following subsection:

(3a) A band may, with the approval of the council of <sup>County adminis-</sup> a county and the Director, form part of the county <sup>tration</sup> for the purpose of the administration of assistance.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**3.** This Act may be cited as *The General Welfare Assistance* <sup>Short title</sup> *Amendment Act, 1970*.



## CHAPTER 90

**An Act to amend  
The District Welfare Administration  
Boards Act, 1962-63**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 1 of *The District Welfare Administration Boards Act, 1962-63*, as amended by section 1 of *The District Welfare Administration Boards Amendment Act, 1966* and section 1 of *The District Welfare Administration Boards Amendment Act, 1968-69*, is further amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) “band” and “council of the band” have the same meaning as in the *Indian Act* (Canada). R.S.C. 1952,  
c. 149

(2) Clause *d* of the said section 1 is amended by striking out “Public Welfare” and inserting in lieu thereof “Social and Family Services”. 1962-63,  
c. 37, s. 1,  
cl. *d*,  
amended

(3) Clause *e* of the said section 1, as amended by section 1 of *The District Welfare Administration Boards Amendment Act, 1968-69*, is further amended by striking out “or” in the first line and by inserting after “district” in the second line “or band”, so that the clause shall read as follows:

(e) “municipality” means a city, town, village, township, improvement district or band to which this Act applies as determined under section 2.

**2.** Subsection 2 of section 2 of *The District Welfare Administration Boards Act, 1962-63*, as re-enacted by section 2 of *The District Welfare Administration Boards Amendment Act, 1968-69*, is repealed and the following substituted therefor:

City or  
band in a  
district

- (2) Any city or band in a district where a board is established may, at the request of the council of the city or band, as the case may be, and with the approval of the board and the Director of the General Welfare Assistance Branch of the Department of Social and Family Services, be a municipality to which this Act applies.

1962-63,  
c. 37, s. 3,  
subs. 1,  
re-enacted

3. Subsection 1 of section 3 of *The District Welfare Administration Boards Act, 1962-63* is repealed and the following substituted therefor:

Establish-  
ment of  
district  
welfare  
administra-  
tion board

- (1) A district welfare administration board shall be established and maintained for a district by all the towns, villages, townships and improvement districts in the district when by-laws authorizing the establishment of the board have been passed by a majority of all those municipalities in the district.

1962-63,  
c. 37, s. 6,  
re-enacted

4. Section 6 of *The District Welfare Administration Boards Act, 1962-63*, as amended by section 4 of *The District Welfare Administration Boards Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Assessment  
to be  
revised and  
equalized

- 6.—(1) For the purposes of this Act, the Department of Municipal Affairs shall in each year revise and equalize the assessment rolls of the municipalities, other than bands, in each district for which a board is established and in so doing shall, where applicable, add to the valuation of each municipality,

1968-69,  
c. 6

- (a) the amounts obtained under subsections 2 and 3 of section 72 of *The Assessment Act, 1968-69* as varied by subsection 4 of section 72 of that Act and;

R.S.O. 1960,  
c. 249

- (b) the amounts credited to the municipality under section 294b of *The Municipal Act*.

Appeal

- (2) Any municipality in a district, other than a band, that is not satisfied with the last revised assessment of any municipality in the district, as equalized for the purpose of this Act, may appeal by notice in writing to the Ontario Municipal Board from the decision of the Department of Municipal Affairs, as varied by any amounts added in accordance with subsection 1, at any time within thirty days after the mailing of the equalized report to the appealing municipality by the Department of Municipal Affairs.

- (3) Every report of an equalization made for the purposes <sup>Idem</sup> of this Act shall set out the time within which an appeal may be made to the Ontario Municipal Board with respect to such equalization.
- (4) Subject to sections 6*a* and 6*b*, each board shall in each year apportion among the municipalities in the district, in proportion to the amounts of their assessments according to the assessment rolls as revised and equalized in the immediately preceding year, the amounts that it estimates will be required to defray the expenditures for welfare services for that year, including the expenses incurred for the administration of welfare services, and shall on or before the 15th day of March notify the clerk of each such municipality of the amount to be provided by that municipality. <sup>Estimates and apportionment</sup>
- (5) Subject to sections 6*a* and 6*b*, where a board, after giving notice of its estimated expenditures under subsection 4, incurs during that year, additional costs for welfare services or for the administration of welfare services that were not anticipated at the time that the said notice was given, such additional costs shall be apportioned among the municipalities in accordance with subsection 4 and the board shall notify the clerk of each such municipality of the additional amount to be provided by that municipality during the year. <sup>Where additional costs incurred</sup>
- (6) In preparing the estimates, the board may provide <sup>Reserve for working funds</sup> for a reserve for working funds, but the amount of the reserve in a year shall not exceed 15 per cent of the total estimates of the board for the year.
- (7) Where the actual expenditures of a board for any year are greater or less than the estimated expenditures for that year, the board shall, in preparing the estimates of the amount required to defray its expenditures for the next following year, <sup>Estimates</sup>
- (*a*) make due allowance for any surplus that will be available from the preceding year; or
  - (*b*) provide for any deficit of the preceding year.
- (8) Each municipality shall pay the amounts required <sup>Payment by municipalities</sup> to be provided by it under this section, or determined by agreement under section 6*a*, to the board on demand.

Penalty

- (9) A board may impose on a municipality a percentage charge as a penalty for non-payment of amounts payable under this section not exceeding 1 per cent on the first day of default and on the first day of each calendar month thereafter in which default continues.

Where  
assessments  
not  
equalized  
in time

- (10) Where in any year the last revised assessment rolls of the municipalities in the district are not equalized by the Department of Municipal Affairs under subsection 1 before the 10th day of February, the board may apportion the amount that it estimates to be required in proportion to the amounts of their assessments most recently equalized, and in that case shall re-apportion the amount and make the necessary adjustments after the equalization is completed.

Where  
equalized  
assessment  
appealed

- (11) Where in any year the last revised assessment rolls of the municipalities in a district are revised and equalized and have been appealed, the board may apportion the amount that it estimates to be required in proportion to the amounts of their assessments as revised and equalized, and in that case shall re-apportion the amount and make the necessary adjustments in accordance with the decision of the Ontario Municipal Board or the judgment of a court.

1962-63,  
c. 37,  
amended

**5. *The District Welfare Administration Boards Act, 1962-63*** is amended by adding thereto the following sections:

Expendi-  
tures  
incurred in  
respect of  
band to be  
paid under  
agreement

- 6b. Notwithstanding sections 6 and 6a, where a band in a district is a municipality to which this Act applies, the amount or any part thereof required by the board for the provision of welfare services to the members of the band, including the expenses incurred for the administration of such services, shall not be apportioned among the municipalities in the district in accordance with section 6 or 6a, but shall be paid by the council of the band to the board in accordance with an agreement in writing approved by the Minister between the board and the council of the band.

Power of  
board to  
borrow for  
current  
expenditures

- 6c.—(1) Subject to subsection 2, a board may borrow from time to time by way of a promissory note such sums as the board deems necessary to meet the current expenditures of the board until the current revenue is received.

Maximum  
borrowings

- (2) The amount that may be borrowed at any one time for the purpose mentioned in subsection 1 together

with

with the total of any similar borrowings that have not been repaid shall not exceed 25 per cent of the estimated current revenue of the board for the current year.

- (3) Until the estimates of the board for the current year <sup>Idem</sup> under section 6 have been determined, the limitation upon borrowing prescribed in subsection 2 shall be temporarily calculated upon 25 per cent of the estimates for the board determined for the next preceding year.

**6.** Subsection 1 of section 7 of *The District Welfare Administration Boards Act, 1962-63* is amended by striking out “a <sup>1962-63, c. 37, s. 7, subs. 1, amended</sup> per capita grant in accordance with the population of each municipality in the district in the amount prescribed by” in the fourth, fifth and sixth lines and inserting in lieu thereof “a grant in an amount determined in accordance with” and by striking out “for that district” in the sixth line, so that the subsection shall read as follows:

- (1) In the first year in which a board is established for a <sup>Provincial grant for first year</sup> district, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the board of a grant in an amount determined in accordance with the regulations to assist the board to carry out the purposes of this Act during the first year.

**7.** Section 8 of *The District Welfare Administration Boards Act, 1962-63* is repealed. <sup>1962-63, c. 37, s. 8, repealed</sup>

**8.** Clause *c* of section 9 of *The District Welfare Administration Boards Act, 1962-63* is repealed and the following substituted therefor: <sup>1962-63, c. 37, s. 9, cl. c, re-enacted</sup>

- (*c*) prescribing the manner of determining the amount of a grant for a district for the purposes of section 7.

**9.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sub>ment</sub>

**10.** This Act may be cited as *The District Welfare Administration Boards Amendment Act, 1970*. <sup>Short title</sup>



## CHAPTER 91

## An Act to amend The Judicature Act

*Assented to November 13th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 17 of *The Judicature Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 197, s. 17,  
re-enacted

- 17.—(1) In this section, “labour dispute” means a Interpre-  
tation  
 dispute or difference concerning terms, tenure or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.
- (2) Subject to subsection 7, no injunction to restrain a No *ex parte*  
applications  
for  
injunctions  
 person from any act in connection with a labour dispute shall be granted *ex parte*.
- (3) In every application for an injunction to restrain a Steps before  
application  
for  
injunction  
 person from any act in connection with a labour dispute, the court must be satisfied that reasonable efforts to obtain police assistance, protection and action to prevent or remove any alleged danger of damage to property, injury to persons, obstruction of or interference with lawful entry upon or exit from the premises in question, or breach of the peace have been unsuccessful.
- (4) Subject to subsection 7, evidence in support of an Evidence  
 application for an injunction to restrain a person from any act in connection with a labour dispute shall be provided by way of affidavits confined to statements of facts within the knowledge of the deponent, but any party may by notice to the party

filing such affidavit, together with the proper conduct money, require the attendance of the deponent to be cross-examined at the hearing of the motion.

Notice of  
application  
for interim  
injunction

- (5) An interim injunction to restrain a person from any act in connection with a labour dispute may be granted for a period of not longer than four days and, subject to subsection 7, only after two days notice of the application therefor has been given to the person or persons named in the application.

Idem

- (6) At least two days notice of an application for an interim injunction to restrain a person from any act in connection with a labour dispute shall be given to the persons affected thereby and not named in the application,

(a) where such persons are members of a labour organization, by personal service upon an officer or agent of the labour organization; and

(b) where such persons are not members of a labour organization, by posting the notice in a conspicuous place at the location of the activity sought to be restrained where it can be read by any persons affected,

and service and posting under this subsection shall be deemed to be sufficient notice to all such persons.

Idem

- (7) Where notice as required by subsections 5 and 6 is not given, the court may grant an interim injunction where,

(a) the case is otherwise a proper one for the granting of an interim injunction; and

(b) notice as required by subsections 5 and 6 could not be given because the delay necessary to do so would result in irreparable damage or injury, a breach of the peace or an interruption in an essential public service; and

(c) reasonable notification, by telephone or otherwise, has been given to the persons to be affected or, where any of such persons are members of a labour organization, to an officer of that labour organization or to the person authorized under section 63a of *The Labour*

*Relations Act*, to accept service of process under that Act on behalf of that labour organization or trade union, or where it is shown that such notice could not have been given; and

(d) proof of all material facts for the purposes of clauses *a*, *b* and *c* is established by *viva voce* evidence.

(8) The misrepresentation of any fact or the withholding of any qualifying relevant matter, directly or indirectly provided by or on behalf of the applicant for an injunction under this section, constitutes a contempt of court.

(9) Any judgment or order in an application under this section may be appealed to the Court of Appeal.

**2.** This Act does not apply in respect of actions for an injunction commenced before this Act comes into force.

**3.** This Act comes into force on the day it receives Royal Assent.

**4.** This Act may be cited as *The Judicature Amendment Act, 1970 (No. 2)*.



## CHAPTER 92

## An Act to amend The Judicature Act

*Assented to November 13th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 5 of *The Judicature Act*, as amended by section 1 of *The Judicature Amendment Act, 1970*, is further amended by striking out “thirty” in the amendment of 1970 and inserting in lieu thereof “thirty-one”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 197, s. 5,  
subs. 1,  
amended

- (1) The High Court shall consist of a chief justice who shall be the president thereof and who shall be called the Chief Justice of the High Court, and thirty-one other judges.

High Court  
of Justice

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The Judicature Amendment Act, 1970* (No. 3).

Short title



## CHAPTER 93

**An Act to amend  
The Statutes Revision Act, 1968-69**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2 of *The Statutes Revision Act, 1968-69* is <sup>1968-69, c. 120, s. 2,</sup> amended by striking out "1st day of August, 1970" in the <sup>amended</sup> fourth line and inserting in lieu thereof "1st day of January, 1971", so that the section shall read as follows:

2. The commissioners shall examine the Revised <sup>Duties</sup> Statutes of Ontario, 1960, and the public general statutes of Ontario enacted after the 31st day of December, 1960, and before the 1st day of January, 1971, and shall arrange, consolidate and revise such statutes in accordance with this Act.

**2.** *The Statutes Revision Act, 1968-69* is amended by adding <sup>1968-69, c. 120,</sup> thereto the following section: <sup>amended</sup>

- 3a. Where an Act is amended or re-enacted after the 31st <sup>Correction of reference to Acts included in R.S.O. 1970 that were amended after Dec. 31, 1970, and before R.S.O. 1970 in force</sup> day of December, 1970, and before the Revised Statutes of Ontario, 1970 come into force and such Act is in the Revised Statutes of Ontario, 1970,
- (a) such Act as it appears in the Revised Statutes of Ontario, 1970 shall be deemed to be amended or re-enacted correspondingly; and
- (b) the commissioners shall cause the appropriate changes to be made in the Acts passed during such period.

**3.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**4.** This Act may be cited as *The Statutes Revision Amend-* <sup>Short title</sup> *ment Act, 1970.*



## CHAPTER 94

**An Act to amend  
The Regulations Revision Act, 1968-69**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Regulations Revision Act, 1968-69* is amended by adding thereto the following section: 1968-69,  
c. 111,  
amended

**3a.**—(1) Where a regulation is filed under *The Regulations Act* on or after the 31st day of December, 1970 and before the Revised Regulations of Ontario, 1970 come into force and amends, remakes or refers to a regulation that is included in the Revised Regulations of Ontario, 1970, Regulations  
filed on  
and after  
Dec. 31st,  
1970 and  
before day  
R.R.O. 1970  
in force  
to be  
revised and  
published

(a) the regulation as it appears in the Revised Regulations of Ontario, 1970 shall be deemed to be amended, remade or referred to correspondingly; and

(b) the commissioners shall,

(i) cause the appropriate changes to be made in such regulations filed during such period, and

(ii) forthwith after the day upon which the Revised Regulations of Ontario, 1970 come into force, cause such regulations as so revised together with all other regulations that are filed during such period to be published in *The Ontario Gazette*.

(2) Upon the publication of the regulations mentioned in subclause ii of clause b of subsection 1, such regulations shall be deemed to be filed under *The Regulations Act* on the day the Revised Regulations Effect of  
publication

of Ontario, 1970 come into force, and the regulations filed on or after the 31st day of December, 1970 and before the Revised Regulations of Ontario, 1970 come into force are revoked on the day the Revised Regulations of Ontario, 1970 come into force.

1968-69,  
c. 111, s. 5,  
subs. 2,  
re-enacted

**2.** Subsection 2 of section 5 of *The Regulations Revision Act, 1968-69* is repealed and the following substituted therefor:

Idem

(2) On and after the day so proclaimed,

(a) all regulations contained in the Revised Regulations of Ontario, 1960; and

R.S.O. 1960,  
c. 349

(b) all regulations filed under *The Regulations Act* after the 1st day of January, 1961, and before the 31st day of December, 1970,

are revoked.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Regulations Revision Amendment Act, 1970*.

## CHAPTER 95

**An Act to amend The Milk Act, 1965**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 4 of *The Milk Act, 1965* is amended by adding thereto the following subsections: 1965, c. 72, s. 4, amended

- (2a) The Commission may, upon any inquiry, investigation or arbitration under clause *a* or *b* of subsection 2, order the payment by any person engaged in producing, processing or marketing milk or milk products, to any other person engaged therein, of moneys, in an amount to be fixed by the Commission, that are payable to such other person by reason of a failure on the part of the person to whom the order is directed to fulfil any obligation imposed upon him by or under this Act or any regulation, plan, award or agreement or by any order or direction of the Commission or a marketing board. Order for payment of moneys to producers, etc.
- (2b) The Commission may file a certified copy of any order made under subsection 2a, exclusive of any reasons therefor, in the office of the Registrar of the Supreme Court, whereupon the order shall be entered in the same way as a judgment or order of that court and is enforceable as such. Enforcement of order

**2.** Subsection 1 of section 22 of *The Milk Act, 1965* is repealed and the following substituted therefor: 1965, c. 72, s. 22, subs. 1, re-enacted

- (1) Every person who fails to pay at least the minimum price established for a regulated product or for milk or cream in an agreement or award filed with the Commission or the price of a regulated product determined by a marketing board is, in addition to the fine provided for in section 20, liable to a penalty of an amount equal to the amount of such minimum Additional penalty for failure to pay minimum price

or determined price, less any amount paid by such person as payment in full or in part for such regulated product, milk or cream, and less any amount paid by such person for such regulated product, milk or cream pursuant to an order of the Commission under subsection 2*a* of section 4.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Milk Amendment Act, 1970*.

## CHAPTER 96

**An Act to amend  
The Child Welfare Act, 1965**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *e* of section 1 of *The Child Welfare Act, 1965* is <sup>1965, c. 14,</sup> amended by striking out "Public Welfare" and inserting in <sup>s. 1, cl. *e*,</sup> amended lieu thereof "Social and Family Services".

**2.—(1)** Clause *d* of subsection 2 of section 6 of *The Child Welfare Act, 1965* is amended by inserting after "assigned" <sup>1965, c. 14,</sup> <sup>s. 6, subs. 2,</sup> amended in the first line "or committed".

**(2)** Clause *g* of subsection 2 of the said section 6 is repealed <sup>1965, c. 14,</sup> <sup>s. 6, subs. 2,</sup> and the following substituted therefor: <sup>cl. *g*,</sup> <sup>re-enacted</sup>

- (*g*) assisting the parents of children born out of wedlock or likely to be born out of wedlock and their children born out of wedlock.

**3.—(1)** Subsection 1 of section 9 of *The Child Welfare Act, 1965*, as amended by subsection 1 of section 2 of *The Child Welfare Amendment Act, 1966*, is further amended by inserting after "shall" in the sixth line "subject to subsection 1 of section 11", so that the subsection shall read as follows: <sup>1965, c. 14,</sup> <sup>s. 9, subs. 1,</sup> amended

- (1) Subject to section 10, the estimate of expenditures of a children's aid society shall be submitted, before the last day of February, to the council of each municipality in the area in which the society has jurisdiction, and, where the estimate is prepared in accordance with the prescribed standards, the municipal council shall, subject to subsection 1 of section 11, grant its approval to the necessary expenditures. <sup>Approval by council</sup>

**(2)** Subsection 2 of the said section 9, as amended by sub- <sup>1965, c. 14,</sup> <sup>s. 9, subs. 2,</sup> section 2 of section 2 of *The Child Welfare Amendment Act, 1966*, is repealed and the following substituted therefor: <sup>re-enacted</sup>

Submission  
to  
Minister

- (2) Every estimate of expenditures prepared under section 8 is subject to the Minister's approval and shall be submitted to the Minister after it is approved under subsection 1 and before the 25th day of April and the Director shall within ten days after the estimate has been submitted to the Minister, recommend to the Minister that the estimate be approved as submitted or that the amount of the estimate be varied.

Notice by  
Director

- (3) Where the Director makes a recommendation under subsection 2 that the amount of the estimate be varied, he shall give notice thereof to the children's aid society and to the council of each municipality in the area in which the society has jurisdiction or to the district child welfare budget board, as the case may be.

Approval by  
Minister

- (4) The Minister, after the expiration of thirty days from the making of the Director's recommendation under subsection 2, may approve the estimate as submitted or may, subject to subsection 5, vary the amount of the estimate and approve the amount as so varied, provided that where the Director recommends that the estimate be approved as submitted, the Minister may approve the estimate as submitted forthwith after the making of the recommendation.

Notice by  
Minister

- (5) Where the Minister intends to vary the amount of the estimate and to approve the estimate as so varied, he shall give notice to the children's aid society and to the council of each municipality in the area in which the society has jurisdiction or to the district child welfare budget board, as the case may be, within ten days after the Director makes his recommendation under subsection 2.

1965, c. 14,  
s. 11,  
re-enacted

4. Section 11 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Reference  
to child  
welfare  
review  
committee

- 11.—(1) Where the council of a municipality or a district child welfare budget board does not agree with the amount of the estimate submitted to it by a children's aid society or does not agree with the portion that is referable to the municipality it may, on or before the 25th day of April, instead of granting its approval to the estimate under section 9 or 10 and submitting it to the Minister, request the Minister to refer the matter to a child welfare review committee.

Idem

- (2) Where a children's aid society, the council of a municipality or a district child welfare budget board does not agree with,

- (a) a variation in the amount of the estimate as recommended by the Director for the approval of the Minister under subsection 2 of section 9; or
- (b) the amount of the estimate that the Minister intends to approve as varied under subsection 4 of section 9,

any one of them may, before the Minister's approval is given under subsection 4 of section 9, request him to refer the matter to a child welfare review committee.

- (3) Where the Minister receives a request under sub-  
section 1 or 2, he shall forthwith, Composition  
of  
committee

- (a) appoint one member to the child welfare review committee, who shall be the chairman thereof; and

- (b) request by notice in writing that,

- (i) one member be appointed to the committee by the Association of Children's Aid Societies, and

- (ii) one member be appointed to the committee by the council of the municipality or the district child welfare budget board, as the case may be,

within ten days of the giving of the notice.

- (4) When the members have been appointed under clause *b* of subsection 3 they shall notify the Minister who shall forthwith give notice of the names of the members of the child welfare review committee to the parties concerned. Notice

- (5) Where a children's aid society has jurisdiction in more than one municipality and there is no district child welfare budget board, the member to be appointed under subclause ii of clause *b* of subsection 3 shall be appointed jointly by those municipalities. Joint  
appoint-  
ment to  
committee

- (6) Where a party who receives a notice to appoint a member to the committee under clause *b* of subsection 3 fails to appoint a member within the time prescribed, the Minister shall, in the place of the party who failed to make the appointment, forthwith appoint the member to the committee. Failure to  
appoint  
member

## Procedure

- (7) The child welfare review committee shall be convened by the chairman thereof within ten days after all the members have been appointed and the committee shall determine its own procedures and shall require the Director, and give full opportunity to the society, the municipality or district child welfare budget board and any other municipality in the area in which the society has jurisdiction, to present evidence and make submissions.

## Evidence

- (8) The child welfare review committee may receive such written or oral evidence from any of the parties, the municipalities mentioned in subsection 7, the Director or any other person as it in its discretion deems proper whether admissible in a court of law or not.

## Findings of committee

- (9) The child welfare review committee shall review the evidence submitted to it and obtain any additional evidence or material it deems necessary and shall report its findings and make recommendations to the Minister within thirty days from the date that the committee first convenes and the findings and recommendations of the committee shall be made available to the parties concerned.

## Decision of Minister

- (10) The Minister may approve the amount of the estimate or vary the amount of the estimate and approve the estimate as so varied or determine the apportionment, as the case may be, and the decision of the Minister is final.

## Notice

- (11) Notice of the Minister's decision shall be given to the parties concerned within thirty days after he receives the report and recommendations of the committee.

1965, c. 14,  
s. 13,  
re-enacted

**5.** Section 13 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

## Capital grants

- 13.—(1) Where the erection, purchase or other acquisition of a building by a municipality or by a children's aid society for the occupation in whole or in part by the society for use for a purpose other than to provide facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment of an amount of 25 per cent of,

- (a) where the whole building is occupied by the society, the value of the building and the land on which it is erected; or
  - (b) where part of the building is occupied by the society, the proportion of the value of the building that the floor space occupied by the society bears to the total space of the building.
- (2) Where the erection of a new building or an addition <sup>Idem</sup> to an existing building by a society for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the new building or the addition, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of \$5,000 per bed.
- (3) Where the acquisition of an existing building by a <sup>Idem</sup> society for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16 has been approved by the Minister, the Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the acquisition, but not exceeding an amount based on the bed capacity of the building at the rate of \$1,200 per bed.
- (4) An amount payable to a children's aid society or a <sup>Time and manner of payment</sup> municipality under this section shall be paid at such times and in such manner as are prescribed by the regulations.

**6.—**(1) Subclause i of clause b of subsection 1 of section 19 <sup>1965, c. 14, s. 19, subs. 1, cl. b, subcl. 1, amended</sup> of *The Child Welfare Act, 1965* is amended by inserting after "or" in the second line "any child", so that the subclause shall read as follows:

- (i) a child who is an orphan and who is not being properly cared for, or any child who is brought, with the consent of the person in whose charge he is, before a judge to be dealt with under this Part.

(2) Clause d of subsection 1 of the said section 19 is <sup>1965, c. 14 s. 19, subs. 1, cl. d, re-enacted</sup> repealed and the following substituted therefor:

(d)

(d) "judge" means a provincial judge presiding in a provincial court (Family Division).

1965, c. 14,  
s. 19,  
subs. 1,  
cl. f,  
re-enacted

(3) Clause *f* of subsection 1 of the said section 19 is repealed and the following substituted therefor:

(f) "place of safety" means a receiving home or foster home or an institution for the care and protection of children, and includes a hospital.

1965, c. 14,  
s. 19,  
subs. 2,  
re-enacted

(4) Subsection 2 of the said section 19 is repealed and the following substituted therefor:

By whom  
cases are  
to be  
heard

(2) Applications under this Part shall be heard by a judge presiding in a provincial court (Family Division) established for the county or district in which the child was taken into protective custody.

1965, c. 14,  
s. 19,  
subs. 4,  
amended

(5) Subsection 4 of the said section 19 is amended by striking out "or any other person appointed by the judge" in the third and fourth lines and by inserting after "court" in the fifth line "unless the judge appoints any other person to be guardian *ad litem* for this purpose", so that the subsection shall read as follows:

Guardian  
*ad litem*

(4) For the purposes of an application under this Part, where the parent of a child is under the age of twenty-one years, the Official Guardian shall be the guardian *ad litem* of the parent with the duty of safeguarding his or her interests before the court unless the judge appoints any other person to be guardian *ad litem* for this purpose, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just.

1965, c. 14,  
s. 19,  
amended

(6) The said section 19 is amended by adding thereto the following subsection:

Idem

(5) A married woman may be appointed as guardian *ad litem* for the purposes of subsection 4.

1965, c. 14,  
s. 23,  
subs. 1,  
amended

7. Subsection 1 of section 23 of *The Child Welfare Act, 1965* is amended by inserting after "parent" in the third line "or person in whose charge he was at the time of his apprehension" and by striking out "ten" in the third line and inserting in lieu thereof "five", so that the subsection shall read as follows:

Detention  
limited

(1) A child detained in a place of safety under section 20 or clause *a* of subsection 1 of section 21 shall be

returned to his parent or person in whose charge he was at the time of his apprehension or brought before a judge within five days of his detention.

8.—(1) Subsection 3 of section 24 of *The Child Welfare Act*, 1965, c. 14, s. 24, 1965 is amended by striking out “Public Welfare” in the subs. 3, amended seventh line and inserting in lieu thereof “Social and Family Services”.

(2) Subsection 4 of the said section 24 is amended by 1965, c. 14, s. 24, adding at the commencement thereof “Subject to subsection subs. 4, amended 4a”, so that the subsection shall read as follows:

(4) Subject to subsection 4a, the judge shall not proceed Notice to hear or dispose of the matter until he is satisfied that the parent or other person having the actual custody of the child and the municipality in which the child was taken into protective care have had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause them to be notified.

(3) The said section 24 is amended by adding thereto the 1965, c. 14, s. 24, amended following subsection:

(4a) Where the child is a child of an unmarried mother, Idem the notice under subsection 4 shall be sent to the Director instead of to the municipality where the child was taken into protective care.

(4) Subsection 5 of the said section 24 is amended by 1965, c. 14, s. 24, striking out “Public Welfare” in the fifth line and inserting in subs. 5, amended lieu thereof “Social and Family Services”.

(5) The said section 24 is amended by adding thereto the 1965, c. 14, s. 24, amended following subsections:

(5a) Where in the opinion of the judge, Judge may dispense with notice

(a) prompt service of any notice required under subsection 4, 4a or 5 cannot be effected; and

(b) any delay might endanger the health or safety of the child,

the judge may dispense with the requirements of subsection 4, 4a or 5, as the case may be.

(5b) Where the requirements of subsection 4, 4a or 5 Limitation where notice dispensed with have been dispensed with, the judge shall not make an order committing the child as a ward of the

Crown or make an order committing the child for a period exceeding thirty days as a ward of a children's aid society, except after holding a further hearing to which the requirements of subsection 4, 4a or 5, as the case may be, apply.

1965, c. 14,  
s. 24,  
subs. 7,  
repealed

(6) Subsection 7 of the said section 24 is repealed.

1965, c. 14,  
s. 25, cl. a,  
re-enacted

**9.** Clause *a* of section 25 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

(a) that the child be placed with or returned to his parent or other person subject to supervision by the children's aid society for a period of not less than six months and not more than twelve months as in the circumstances of the case he considers advisable; or

. . . . .

1965, c. 14,  
s. 30,  
amended

**10.** Section 30 of *The Child Welfare Act, 1965* is amended by inserting after "25" in the seventh line "and may make such further order or terminate the existing order", so that the section shall read as follows:

Re-  
application  
before  
expiration  
of wardship

30. Where a child has been committed as a ward of a children's aid society, the society may at any time and shall, before the expiration of the period of wardship other than under section 34, apply to the judge for further consideration, and the judge shall thereupon further inquire and determine whether the circumstances justify a further order under section 25 and may make such further order or terminate the existing order, but in no case shall an order be made that results in the child being a ward of the society for a continuous period of more than twenty-four months.

1965, c. 14,  
s. 31,  
subs. 2,  
repealed

**11.** Subsection 2 of section 31 of *The Child Welfare Act, 1965* is repealed.

1965, c. 14,  
s. 34,  
amended

**12.** Section 34 of *The Child Welfare Act, 1965* is amended by inserting after "terminates" in the first line "upon the marriage of the ward or", so that the section shall read as follows:

Termination  
of wardship

34. Every wardship terminates upon the marriage of the ward or when the ward attains the age of eighteen years, but, upon the application of a children's aid society with the approval of the Director, a judge

may

may order that the wardship of a Crown ward continue until the ward attains the age of twenty-one years where the ward is dependent for educational purposes or because of mental or physical incapacity.

**13.** Clause *c* of subsection 1 of section 39 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor: 1965, c. 14,  
s. 39,  
subs. 1,  
cl. *c*,  
re-enacted

(*c*) subject to section 28, visit, write to, telephone to, remove or attempt to remove from a foster home or place of safety or other place, or otherwise interfere with,

(i) a ward of the Crown or of a children's aid society,

(ii) the foster parents of a ward, or

(iii) a child lawfully detained under section 20 or subsection 1 of section 21,

without the consent in writing of the children's aid society under whose supervision the child is.

**14.** Subsection 1 of section 40 of *The Child Welfare Act, 1965* is amended by striking out "unreasonable" in the third line. 1965, c. 14,  
s. 40,  
subs. 1,  
amended

**15.** Subsection 1 of section 48 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor: 1965, c. 14,  
s. 48,  
subs. 1,  
re-enacted

(1) In this Part, "judge" means a provincial judge presiding in a provincial court (Family Division). Interpre-  
tation

**16.**—(1) Subsection 1 of section 50 of *The Child Welfare Act, 1965* is amended by inserting after "wedlock" in the first line "or where it appears that a child is likely to be born out of wedlock", so that the subsection shall read as follows: 1965, c. 14,  
s. 50,  
subs. 1,  
amended

(1) Where a child is born out of wedlock or where it appears that a child is likely to be born out of wedlock and no agreement between the mother and the putative father with respect to the care and maintenance of the child is in force, a society and the mother of the child may enter into an agreement with the putative father of the child for the payment of money by the putative father in respect of the expenses and maintenance mentioned in subsection 1 Agreement  
for main-  
tenance of  
the child

of section 59, and, if the financial circumstances of the putative father change at any time, the terms of the agreement may be varied by the parties accordingly.

1965, c. 14,  
s. 50,  
subs. 5,  
amended

(2) Subsection 5 of the said section 50 is amended by inserting after "society" in the seventh line "where it is incurring costs on behalf of the mother or the child", so that the subsection shall read as follows:

Default  
under  
agreement

(5) Where the putative father is in default in payment of money under an agreement made under subsection 1, the mother or the society, or the mother and the society together, may make an application to a judge for an order to enforce the agreement, and, where the putative father continues in default for a period of sixty days and an application for an order to enforce the agreement has not been made, the society, where it is incurring costs on behalf of the mother or the child, shall within the next following period of thirty days make an application to a judge for an order to enforce the agreement.

1965, c. 14,  
s. 50,  
amended

(3) The said section 50 is amended by adding thereto the following subsection:

Variation  
or rescission  
of agree-  
ment

(6) Upon application by the mother, the putative father or the society or by the mother and the society together, a judge may at any time, in respect of an agreement made under subsection 1, rescind the agreement or,

(a) vary any amount of money payable thereunder; or

(b) vary any other term of the agreement,

and any agreement so varied may be enforced in the same manner as the original agreement.

1965, c. 14,  
s. 51,  
re-enacted

**17.** Section 51 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Application  
for  
affiliation  
order

51. Where no agreement has been entered into under section 50 or where the putative father is in default under an agreement made under section 50, an application may be made to a judge at any time for an affiliation order,

(a) by the mother of a child born or likely to be born out of wedlock;

(b)

(b) by the next friend or guardian of a child born out of wedlock;

(c) by a society; or

(d) with the approval of a society, by any person or municipality having an apparently legitimate claim for reimbursement of moneys expended or payments of moneys charged in consequence of the mother's pregnancy, the birth of the child, the death of the child, the maintenance of the child or the maintenance of the mother.

**18.**—(1) Subsection 1 of section 52 of *The Child Welfare Act, 1965* is amended by striking out “or any other person appointed by the judge” in the third and fourth lines and by inserting after “court” in the sixth line “unless the judge appoints any other person to be the guardian *ad litem* for this purpose”, so that the subsection shall read as follows:

(1) For the purposes of an application under this Part, where the putative father or the mother is under the age of twenty-one years, the Official Guardian shall be the guardian *ad litem* of the putative father or the mother, as the case may be, with the duty of safeguarding his or her interests before the court unless the judge appoints any other person to be the guardian *ad litem* for this purpose, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just.

(2) The said section 52 is amended by adding thereto the following subsection:

(1a) A married woman may be appointed as guardian *ad litem* for the purposes of subsection 1.

**19.** Section 64 of *The Child Welfare Act, 1965* is amended by adding thereto the following subsections:

(1a) The appeal shall be made by filing a notice of appeal with the clerk of the county or district court and serving a copy thereof on the other parties within thirty days after the making of the decision.

(1b) The appellant or person served with notice of appeal may, upon at least two days notice to each of the other parties, apply to the judge to fix a date for the hearing of the appeal.

Decision

- (1c) The appeal shall be a hearing *de novo* and the judge may rescind, alter or confirm the decision being appealed or make any order or decision that ought to have been made.

1965, c. 14,  
s. 70,  
subs. 4,  
re-enacted

**20.** Subsection 4 of section 70 of *The Child Welfare Act, 1965* is repealed and the following substituted therefor:

Guardian  
*ad litem*

- (4) For the purpose of an application for an order for the adoption of a child under twenty-one years of age, other than a child who has been placed for adoption by a children's aid society, the court shall appoint a guardian *ad litem* of the child and a guardian *ad litem* of any parent of the child who is under twenty-one years of age and who is a party to the proceedings.

Idem

- (5) A married woman may be appointed as guardian *ad litem* for the purposes of subsection 1.

1965, c. 14,  
s. 73,  
subs. 4,  
amended

**21.**—(1) Subsection 4 of section 73 of *The Child Welfare Act, 1965* is amended by striking out "who is twenty-one or more years of age or who is under twenty-one years of age and has been married" in the first, second and third lines and by adding at the end thereof "provided that the court may dispense with the consent of the child if the court is satisfied that, having regard to all the circumstances of the case, the consent would not be appropriate", so that the subsection shall read as follows:

Idem,  
child and  
where  
married,  
spouse of  
child

- (4) An order for the adoption of a child shall be made only with the written consent of the child, and, where the child is married, with the written consent of the spouse, provided that the court may dispense with the consent of the child if the court is satisfied that, having regard to all the circumstances of the case, the consent would not be appropriate.

1965, c. 14,  
s. 73,  
subs. 5,  
amended

(2) Subsection 5 of the said section 73 is amended by inserting after "court" in the second line "upon application by the applicant for the adoption", so that the subsection shall read as follows:

Where  
consent  
not given

- (5) Where a consent required by this section has not been given, the court upon application by the applicant for the adoption may dispense with the requirement if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the requirement be dispensed with.

(3) The said section 73 is amended by adding thereto the following subsections: 1965, c. 14, s. 73, amended

(5a) The court shall not dispense with a consent required under this section, except a consent required under subsection 4, until the court is satisfied that the person from whom the consent is required has had notice of the application for adoption and notice of the application to dispense with the consent, or that every reasonable effort has been made, in the opinion of the court, to cause such person to be notified. Notice

(7) No consent required by this section is invalid by reason only of the fact that the person giving it is under twenty-one years of age. Consent not invalid by reason of age

**22.** *The Child Welfare Act, 1965* is amended by adding thereto the following section: 1965, c. 14, amended

75a. Upon the hearing of an application for adoption, where the child is seven or more years of age, the court shall inquire into the capacity of the child to appreciate the nature of the application and shall, where practicable, hear the child. Procedure on application

**23.** Sections 82 and 83 of *The Child Welfare Act, 1965* are repealed and the following substituted therefor: 1965, c. 14, ss. 82, 83, re-enacted

82.—(1) For all purposes, as of the date of the making of an adoption order, Status of adopted child

(a) the adopted child becomes the child of the adopting parent and the adopting parent becomes the parent of the adopted child; and

(b) the adopted child ceases to be the child of the person who was his parent before the adoption order was made and that person ceases to be the parent of the adopted child,

as if the adopted child had been born in lawful wedlock to the adopting parent.

(2) The relationship to one another of all persons whether the adopted child, the adopting parent, the kindred of the adopting parent, the parent before the adoption order was made, the kindred of that former parent or any other person shall, for all purposes, be determined in accordance with subsection 1. Application of subs. 1 to relationship of persons

Application  
of section

- (3) This section applies and shall be deemed to have always applied with respect to any adoption made under any legislation heretofore in force, but not so as to affect any interest in property or right that has vested before the commencement of this section.

## Exception

- (4) Subsections 1 and 2 do not apply for the purposes of the laws relating to incest and the prohibited degrees of marriage to remove any person from a relationship in consanguinity that, but for this section, would have existed.

References  
in will or  
other  
document

83. In any will or other document, whether heretofore or hereafter made, unless the contrary is expressed, a reference to a person or group or class of persons described in terms of relationship by blood or marriage to another person shall be deemed to refer to or include, as the case may be, a person who comes within the description as a result of his own adoption or the adoption of another person.

Effect of  
adoptions  
under other  
laws

- 83a. An adoption effected according to the law of any other province or territory of Canada or of any other country, or part thereof, before or after the commencement of this section, has the same effect in Ontario as an adoption under this Act.

1965, c. 14,  
s. 87,  
amended

**24.** Section 87 of *The Child Welfare Act, 1965*, as amended by section 5 of *The Child Welfare Amendment Act, 1966*, is further amended by adding thereto the following clause:

- (hc) prescribing the times and manner of payment of capital grants under section 13.

Commence-  
ment

**25.** This Act comes into force on the day it receives Royal Assent.

## Short title

**26.** This Act may be cited as *The Child Welfare Amendment Act, 1970*.

## CHAPTER 97

**An Act to amend The Judicature Act**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Judicature Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 197, s. 1,  
amended

(ga) "Divisional Court" means the Divisional Court of the High Court.

**2.** *The Judicature Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 197,  
amended

5a. There shall be a division of the High Court to be known as the Divisional Court of the High Court of Justice for Ontario consisting of the Chief Justice of the High Court who shall be president of the court and such other judges of the Divisional Court as may be designated by him from time to time. Divisional  
Court of the  
High Court

5b. Every judge of the High Court is also a judge of the Divisional Court. Jurisdiction  
of judges

**3.** *The Judicature Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 197,  
amended

14a.—(1) The Divisional Court has jurisdiction to hear, determine and dispose of, Jurisdiction  
of Divisional  
Court

(a) all appeals to the Supreme Court under any Act other than this Act and *The County Courts Act*; R.S.O. 1960,  
c. 76

(b) applications by way of prohibition, mandamus and certiorari;

(c) all appeals from orders or decisions of judges of the High Court in regard to prohibition, mandamus or certiorari;

(d)

(d) all appeals from judgments, orders or decisions of a judge of the High Court or a judge of the Divisional Court in regard to matters of practice or procedure that do not affect the ultimate rights of any party;

(e) all appeals by way of stated case to the Supreme Court under any Act other than *The Summary Convictions Act*;

(f) all appeals from final orders of the Master of the Supreme Court.

R.S.O. 1960,  
c. 387

Existing  
appeals to  
Supreme  
Court

R.S.O. 1960,  
c. 76

(2) Where, by or under any Act, other than this Act and *The County Courts Act*, provision is made for an appeal to the High Court or the Court of Appeal, or to a judge thereof, or to a judge of the Supreme Court, including such an appeal by way of stated case, such provision shall be deemed to provide that the appeal shall be to the Supreme Court and clause *a* of subsection 1 applies.

R.S.O. 1960,  
c. 197, s. 26,  
subs. 1, cl. *c*,  
amended

4.—(1) Clause *c* of subsection 1 of section 26 of *The Judicature Act* is amended by striking out “and, subject to the rules, from any other judgment, order or decision of a judge in chambers in regard to a matter of practice or procedure” in the third, fourth, fifth and sixth lines, so that the clause shall read as follows:

(c) any judgment, order or decision of a judge in chambers in regard to a matter of practice or procedure that affects the ultimate rights of any party.

R.S.O. 1960,  
c. 197, s. 26,  
subs. 1,  
amended

(2) Subsection 1 of the said section 26 is amended by adding at the end thereof “except that where such judgment, order or decision is that of the Divisional Court, the appeal shall be on questions of law only and is subject to the leave of the Court of Appeal”.

R.S.O. 1960,  
c. 197, s. 40,  
subs. 1*a*  
(1968, c. 59,  
s. 2),  
amended

5. Subsection 1*a* of section 40 of *The Judicature Act*, as enacted by section 2 of *The Judicature Amendment Act, 1968*, is amended by inserting after “order” in the second line “for corollary relief”, so that the subsection shall read as follows:

Exception  
1968, c. 24  
(Can.)

(1*a*) An appeal to the Court of Appeal from an interlocutory order for corollary relief under the *Divorce Act* (Canada) may be heard without leave before one justice of appeal sitting alone.

R.S.O. 1960,  
c. 197,  
amended

6. *The Judicature Act* is amended by adding thereto the following section:

44a.—(1) Except where otherwise provided, every proceeding in the Divisional Court shall be heard, determined and disposed of before three judges thereof sitting together of whom one shall be the Chief Justice of the High Court or a judge of the High Court designated by him, and the sitting shall be presided over by the Chief Justice of the High Court or his designee.

Hearings of  
Divisional  
Court

(2) The Divisional Court may sit in two or more sections as the Chief Justice of the High Court directs from time to time.

Sections

(3) In accordance with the rules, sittings of the Divisional Court shall be held in Toronto continuously, except during vacations and holidays, and shall be held in London, Ottawa, Sudbury, Sault Ste. Marie and Thunder Bay at such times as the Chief Justice of the High Court may fix for the expeditious dispatch of the matters set down for hearing at those places.

Time and  
place of  
sittings

(4) A judge of the Divisional Court shall not sit as a member of the Divisional Court considering an appeal from his own decision.

Judge  
not to sit  
on own  
appeal

7.—(1) Subsection 3 of section 66 of *The Judicature Act* is amended by striking out "Osgoode Hall" in the sixth and seventh lines.

R.S.O. 1960,  
c. 197, s. 66,  
subs. 3,  
amended

(2) Subsection 4 of the said section 66 is amended by striking out "Osgoode Hall" in the third line.

R.S.O. 1960,  
c. 197, s. 66,  
subs. 4,  
amended

8. Subsection 3 of section 83 of *The Judicature Act* is amended by striking out "Osgoode Hall" in the sixth and seventh lines.

R.S.O. 1960,  
c. 197, s. 83,  
subs. 3,  
amended

9. Section 88 of *The Judicature Act* is amended by inserting after "at" in the fourth line "or adjacent to", so that the section shall read as follows:

R.S.O. 1960,  
c. 197, s. 88,  
amended

88. The officers in Toronto, save the Official Guardian, special examiners, stenographic reporters and any official referee other than one holding that office *ex officio*, shall keep their offices at or adjacent to Osgoode Hall, in the City of Toronto.

Certain  
officers to  
keep their  
offices at  
Osgoode Hall

10. Section 91 of *The Judicature Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 197, s. 91,  
re-enacted

91.—(1) In this section, "holiday" means,

Holiday  
defined

(a) a holiday as defined in *The Interpretation Act*;

R.S.O. 1960,  
c. 191

(b) Saturday;

(c) the day proclaimed as Civic Holiday in the municipality in which the court office is located;

(d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

Office hours

(2) Except on holidays when they shall be closed, every local registrar's office and the offices of the Supreme Court in Toronto shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon.

R.S.O. 1960,  
c. 197, s. 115,  
subs. 1,  
amended

**11.**—(1) Subsection 1 of section 115 of *The Judicature Act* is amended by striking out "Except in the County of York" in the first line, so that the subsection shall read as follows:

County  
court judges  
are local  
judges

(1) Every judge of a county court is a local judge of the High Court for the purposes of his jurisdiction in actions in the Supreme Court, and may be styled a local judge of the Supreme Court, and has, in all causes and actions in the Supreme Court, subject to the rules, power and authority to do and perform all such acts and transact all such business in respect of matters and causes in or before the High Court as he is by statute or the rules empowered to do and perform.

R.S.O. 1960,  
c. 197, s. 115,  
amended

(2) The said section 115 is amended by adding thereto the following subsection:

Jurisdiction  
of local  
judges in  
divorce  
actions

(3) Without limiting the generality of subsections 1 and 2, the jurisdiction of the local judges of the High Court extends to the exercising of all such powers and authorities and the performing of such acts and the transacting of all such business as may be exercised, performed or transacted by the Supreme Court or a judge thereof under the *Divorce Act* (Canada).

1967-68,  
c. 24 (Can.)

Application  
of sections  
1-4, 6, 11

**12.** Sections 1, 2, 3, 4, 6 and 11 do not apply to actions or proceedings commenced before those sections come into force.

Commence-  
ment

**13.**—(1) This Act, except sections 1, 2, 3, 4, 6 and 11, comes into force on the day it receives Royal Assent.

(2) Sections 1, 2, 3, 4, 6 and 11 come into force on a day <sup>Idem</sup> to be named by the Lieutenant Governor by his proclamation.

**14.** This Act may be cited as *The Judicature Amendment* <sup>Short title</sup> *Act, 1970. (No. 4).*



## CHAPTER 98

# **An Act to amend The County Courts Act**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 6 of *The County Courts Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 76, s. 6,  
re-enacted

**6.—(1)** In this section, “holiday” means, Holiday  
defined

(a) a holiday as defined in *The Interpretation Act*, R.S.O. 1960,  
c. 191

(b) Saturday;

(c) the day proclaimed as Civic Holiday in the municipality in which the court office is located;

(d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday;

(2) Except on holidays when they shall be closed, county Office hours court and district court offices shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon.

**2.** Section 10 as amended by section 1 of *The County Courts Amendment Act, 1962-63*, section 11 as amended by section 1 of *The County Courts Amendment Act, 1966* and section 1 of *The County Courts Amendment Act, 1967*, and sections 12, 13 and 14 as re-enacted by section 2 of *The County Courts Amendment Act, 1961-62*, of *The County Courts Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 76, s. 10,  
re-enacted;  
s. 11,  
repealed;  
ss. 12-14  
(1961-62,  
c. 24, s. 2),  
repealed

## Sittings

10. In each year the sittings of each county or district court shall be held at such time or times as is ordered by the chief judge, and the order of the chief judge shall be deemed to be a regulation to which *The Regulations Act* applies.

R.S.O. 1960,  
c. 349

R.S.O. 1960,  
c. 76, s. 19,  
subs. 1, cl. a,  
amended

**3.**—(1) Clause *a* of subsection 1 of section 19 of *The County Courts Act*, as amended by clause *a* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

R.S.O. 1960,  
c. 76, s. 19,  
subs. 1, cl. b,  
amended

(2) Clause *b* of subsection 1 of the said section 19, as amended by clause *b* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

R.S.O. 1960,  
c. 76, s. 19,  
subs. 1, cl. c,  
amended

(3) Clause *c* of subsection 1 of the said section 19, as amended by clause *c* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in both instances where it occurs in the amendment of 1961-62 and inserting in lieu thereof in each instance “\$7,500”.

R.S.O. 1960,  
c. 76, s. 19,  
subs. 1, cl. d,  
amended

(4) Clause *d* of subsection 1 of the said section 19, as amended by clause *d* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

R.S.O. 1960,  
c. 76, s. 19,  
subs. 1, cl. e,  
amended

(5) Clause *e* of subsection 1 of the said section 19, as amended by clause *e* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

R.S.O. 1960,  
c. 76, s. 19,  
subs. 1, cl. f,  
amended

(6) Clause *f* of subsection 1 of the said section 19, as amended by clause *f* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$3,000” in the amendment of 1961-62 and inserting in lieu thereof “\$7,500”.

R.S.O. 1960,  
c. 76, s. 19,  
subs. 1, cl. g,  
amended

(7) Clause *g* of subsection 1 of the said section 19, as amended by clause *g* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out “\$20,000” in the amendment of 1961-62 and inserting in lieu thereof “\$50,000”.

(8) Clause *h* of subsection 1 of the said section 19, as amended by clause *h* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "\$3,000" in the amendment of 1961-62 and inserting in lieu thereof "\$7,500".

R.S.O. 1960,  
c. 76, s. 19,  
subs. 1, cl. *h*,  
amended

(9) Clause *h* of subsection 1 of the said section 19, as amended by clause *i* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "\$20,000" in the amendment of 1961-62 and inserting in lieu thereof "\$50,000".

R.S.O. 1960,  
c. 76, s. 19,  
subs. 1, cl. *h*,  
amended

(10) Clause *i* of subsection 1 of the said section 19, as amended by clause *j* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "\$3,000" in the amendment of 1961-62 and inserting in lieu thereof "\$7,500".

R.S.O. 1960,  
c. 76, s. 19,  
subs. 1, cl. *i*,  
amended

(11) Clause *j* of subsection 1 of the said section 19, as amended by clause *k* of subsection 1 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "\$3,000" in the amendment of 1961-62 and inserting in lieu thereof "\$7,500".

R.S.O. 1960,  
c. 76, s. 19,  
subs. 1, cl. *j*,  
amended

(12) Subsection 2 of the said section 19, as amended by subsection 2 of section 5 of *The County Courts Amendment Act, 1961-62*, is further amended by striking out "\$20,000" in both instances where it occurs in the amendment of 1961-62 and inserting in lieu thereof in each instance "\$50,000".

R.S.O. 1960,  
c. 76, s. 19,  
subs. 2,  
amended

(13) Subsections 3, 4 and 5 of the said section 19 are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 76, s. 19,  
subss. 3-5,  
re-enacted

- (3) Where the notice mentioned in subsection 2 is given, the plaintiff may, within fifteen days after the entry of appearance if the defendant has given the notice in his appearance, or within fifteen days after the filing of the statement of defence if the defendant has given the notice in his statement of defence, on praecipe require all papers and proceedings in the action to be transmitted to the proper office of the Supreme Court in the county or district in which the action was brought, and the action is transferred to the Supreme Court when the papers and documents are so transmitted.
- (4) Where the plaintiff does not exercise the right conferred by subsection 3 within the period set out therein, the defendant may, within ten days after the expiration of such period, apply to a judge of

Transfer to  
Supreme  
Court by  
plaintiff

Transfer to  
Supreme  
Court by  
defendant

the Supreme Court for an order transferring the action to that court.

When  
jurisdiction  
established

- (5) If no application is made or praecipe issued under subsection 3 or 4 within the time prescribed therein or if an application made under subsection 4 has been refused, subject to subsection 6 and to section 20, the jurisdiction of the court to try and dispose of the action shall be deemed to be established.

Application  
of section

- (14) This section does not apply to actions commenced before this section comes into force.

Commence-  
ment

- 4.**—(1) This Act, except sections 2 and 3, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 2 comes into force on the 1st day of January, 1971.

Idem

- (3) Section 3 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 5.** This Act may be cited as *The County Courts Amendment Act, 1970*.

## CHAPTER 99

# An Act to amend The General Sessions Act

*Assented to November 13th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The General Sessions Act*, as amended by R.S.O. 1960, c. 163, s. 3, re-enacted section 2 of *The General Sessions Amendment Act, 1961-62*, section 1 of *The General Sessions Amendment Act, 1962-63* and section 1 of *The General Sessions Amendment Act, 1965*, is repealed and the following substituted therefor:

3. In each year the sittings of each court of general Sittings sessions of the peace shall be held at such time or times as is ordered by the chief judge, and the order of the chief judge shall be deemed to be a regulation to which *The Regulations Act* applies.

R.S.O. 1960, c. 349

2. Section 4a of *The General Sessions Act*, as enacted by R.S.O. 1960, c. 163, s. 4a section 2 of *The General Sessions Amendment Act, 1965*, is (1965, c. 44, s. 2), repealed repealed.

3. This Act comes into force on the 1st day of January, Commence-ment 1971.

4. This Act may be cited as *The General Sessions Amend-Short title*  
*ment Act, 1970*.



## CHAPTER 100

# An Act to amend The Interpretation Act

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *i* of section 27 of *The Interpretation Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 191, s. 27,  
cl. *i*,  
re-enacted

(*i*) where the time limited for a proceeding or for the doing of any thing in an office of the Supreme Court, or a county or district court office, or a surrogate court office, or a division court office, or a registry office, or a land titles office, or a sheriff's office expires or falls upon a day that is prescribed as a holiday for such office, the time so limited extends to and the thing may be done on the day next following that is not a holiday.

computation  
of time  
where time  
limited  
expires on  
a holiday

**2.** Section 30 of *The Interpretation Act* is amended by adding thereto the following paragraph:

R.S.O. 1960,  
c. 191, s. 30,  
amended

5a. "Divisional Court" means the Divisional Court of the High Court of Justice for Ontario.

**3.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**4.** This Act may be cited as *The Interpretation Amendment Act, 1970*.

Short title



## CHAPTER 101

**An Act to amend  
The Judges' Orders Enforcement Act**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Judges' Orders Enforcement Act* is <sup>R.S.O. 1960,</sup> amended by striking out "Court of Appeal" in the second line <sup>c. 196, s. 3,</sup> and in the seventh line and inserting in lieu thereof in each instance "Divisional Court", so that the section shall read as follows:

3. An appeal lies from an order made by a judge as <sup>Appeal</sup> *persona designata* to the Divisional Court,

(a) if the right of appeal is given by the statute under which the judge acted; or

(b) if no such right of appeal is given, then by leave of the judge who made the order or by leave of the Divisional Court.

2. This Act does not apply to applications or proceedings <sup>Application</sup> commenced before the day this Act comes into force.

3. This Act comes into force on a day to be named by the <sup>Commence-</sup> Lieutenant Governor by his proclamation. <sup>ment</sup>

4. This Act may be cited as *The Judges' Orders Enforcement Amendment Act, 1970*. <sup>Short title</sup>



## CHAPTER 102

## An Act to amend The Habeas Corpus Act

*Assented to November 13th, 1970*  
*Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Habeas Corpus Act* R.S.O. 1960, c. 169, s. 1, subs. 1, amended is amended by striking out “or before the Court of Appeal” in the twelfth and thirteenth lines.

(2) Subsection 3 of the said section 1 is repealed.

R.S.O. 1960, c. 169, s. 1, subs. 3, repealed

2.—(1) Subsection 1 of section 8 of *The Habeas Corpus Act* R.S.O. 1960, c. 169, s. 8, subs. 1, amended is amended by striking out “Court of Appeal” in the sixth line and in the ninth line, and inserting in lieu thereof in each instance “Divisional Court”, so that the subsection shall read as follows:

(1) Where a person confined or restrained of his liberty is brought before a judge upon a writ of *habeas corpus* and is remanded into custody upon the original order or warrant of commitment or by virtue of any warrant, order or rule of such judge, such person may appeal from the decision or judgment of the judge to the Divisional Court, and thereupon the writ of *habeas corpus*, the return thereto, and the affidavits, depositions, evidence, conviction and other proceedings shall be certified by the proper officer to the Divisional Court. Appeal from remand to custody

(2) Subsection 2 of the said section 8 is amended by striking out “Court of Appeal” in the first line and inserting in lieu thereof “Divisional Court”, so that the subsection shall read as follows: R.S.O. 1960, c. 169, s. 8, subs. 2, amended

(2) The Divisional Court shall thereupon hear and determine the appeal without formal pleadings and, if the court determines that the confinement or restraint is illegal, shall so certify to the person having Court may order discharge

the

the custody or charge of the person so confined or restrained, and shall order his immediate discharge, and he shall be discharged accordingly.

R.S.O. 1960,  
c. 169,  
amended

**3.** *The Habeas Corpus Act* is amended by adding thereto the following section:

Appeal to  
Court of  
Appeal

**8a.** An appellant under section 8 may appeal from the decision of the Divisional Court to the Court of Appeal.

Commence-  
ment

**4.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**5.** This Act may be cited as *The Habeas Corpus Amendment Act, 1970*.

## CHAPTER 103

**An Act to repeal  
The Damage by Fumes Arbitration Act**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) *The Damage by Fumes Arbitration Act* is repealed. R.S.O. 1960,  
c. 86,  
repealed

(2) *The Damage by Fumes Arbitration Amendment Act, 1968-69* is repealed. 1968-69,  
c. 22,  
repealed

**2.** This Act shall be deemed to have come into force on the 1st day of April, 1970. Commence-  
ment

**3.** This Act may be cited as *The Damage by Fumes Arbitration Repeal Act, 1970*. Short title



## CHAPTER 104

**An Act to amend  
The Pesticides Act, 1967**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *a* of section 1 of *The Pesticides Act, 1967* is <sup>1967, c. 74,  
s. 1, cl. *a*,  
re-enacted</sup> repealed and the following substituted therefor:

(a) “Board” means the Pesticides Licence Review Board.

(2) The said section 1, as amended by section 1 of *The* <sup>1967, c. 74,  
s. 1,  
amended</sup> *Pesticides Amendment Act, 1968-69*, is further amended by adding thereto the following clauses:

(aa) “Committee” means the Pesticides Advisory Committee;

. . . . .

(ba) “Director” means an officer of the Department designated by the Minister as Director for the purpose of this Act.

**2.** Section 5, as amended by section 2 of *The Pesticides* <sup>1967, c. 74,  
ss. 5-7,  
re-enacted</sup> *Amendment Act, 1968-69*, and sections 6 and 7 of *The Pesticides Act, 1967*, are repealed and the following substituted therefor:

**5.**—(1) The Lieutenant Governor in Council may <sup>Advisory  
Committee</sup> appoint a committee consisting of not fewer than ten members to be known as the Pesticides Advisory Committee.

(2) Six members of the Committee constitute a quorum. <sup>Quorum</sup>

(3) The Lieutenant Governor in Council may designate <sup>Chairman  
and  
secretary</sup> one member of the Committee as chairman and may appoint a person who is not a member as secretary.

(4)

## Functions

## (4) The Committee shall,

- (a) review annually the content and operation of this Act and the regulations and recommend changes or amendments therein to the Minister;
- (b) inquire into and consider any matter the Committee considers advisable concerning the use of substances for exterminations that may affect public health or safety or the environment or produce other adverse effects, and any such matter referred to it by the Minister, and report thereon to the Minister; and
- (c) perform such other functions as the regulations prescribe.

## Issuance of licence

6.—(1) The Director shall issue a licence upon such terms and conditions as are specified in the regulations, to an applicant for the particular class of licence applied for, where this Act and the regulations are complied with.

## Grounds for revocation

(2) The Director may revoke or suspend the licence where the operator or exterminator,

- (a) contravenes this Act or the regulations;
- (b) is in breach of a condition of the licence;
- (c) is found to be incompetent, or grossly negligent;
- (d) is found to have fraudulently misrepresented his services in performing an extermination or in carrying on the business of extermination.

## Pesticides Licence Review Board

7.—(1) The Lieutenant Governor in Council shall appoint a board, consisting of not more than five members, to be known as the Pesticides Licence Review Board and may designate one member of the Board as chairman.

## Quorum

(2) Three members of the Board constitute a quorum.

## Notice of refusal or revocation

7a.—(1) Where the Director refuses to issue or proposes to revoke or suspend a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed revocation

or suspension, and the applicant or licensee may, by written notice given to the Director and the Board within fifteen days after the receipt of the notice of refusal or proposed revocation or suspension, require a hearing by the Board.

- (2) The Board shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed. <sup>Time for hearing</sup>
- (3) The notice of hearing shall contain, <sup>Contents of notice of hearing</sup>
- (a) a statement of the time and place of the hearing, which shall not be longer than thirty days after notice is given to the Board under subsection 1;
  - (b) a statement of the statutory power under which the hearing is being held;
  - (c) a reference to the rules of procedure applicable to the hearing;
  - (d) a concise statement of the issues; and
  - (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.
- 7b.—(1) The Director, the applicant or licensee and any other person specified by the Board are parties to the hearing. <sup>Parties</sup>
- (2) If a person who has been duly notified of a hearing does not attend, the Board may proceed in his absence. <sup>Non-appearance</sup>
- 7c.—(1) A hearing may be adjourned from time to time by the Board on reasonable grounds, <sup>Adjournments</sup>
- (a) on its own motion; or
  - (b) on the motion of any party to the hearing.
- (2) The Board may command the attendance before it of any person as a witness. <sup>Subpoenas</sup>
- (3) The Board may require any person, <sup>Oaths</sup>
- (a) to give evidence on oath or by affirmation at a hearing; and

(b)

(b) to produce such documents and things as the Board requires.

Idem

(4) The Board may admit evidence not given under oath.

Offences

(5) Any person who, without lawful excuse,

(a) on being duly summoned as a witness before the Board makes default in attending; or

(b) being in attendance as a witness before the Board, refuses to take an oath or affirmation legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or

(c) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforce-  
ment

(6) The Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of  
party to  
counsel

7d.—(1) Any party may be represented before the Board by counsel or agent.

Right of  
witness to  
counsel

(2) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Rights of  
parties at  
hearing

(3) Any party who is present at a hearing before the Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

- (4) All hearings shall be open to the public.

Hearings  
public

- 7e.—(1) Upon a review, the Board shall hear such evidence as is submitted to it that in its opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by the Board form the record.

Evidence

- (2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Release of  
exhibits

- 7f.—(1) The Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Board considers proper and for this purpose the Board may substitute its opinion for that of the Director.

Powers of  
Board

- (2) The decision of the Board, including the reasons therefor, shall be in writing.

Decision to be in  
writing

- (3) The reasons for the final decision shall contain,

Content of  
reasons

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of fact; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

- (4) The Board shall serve each party with a copy of its final decision, together with the reasons therefor and a notice stating the right of appeal.

Notice of  
decision

- 7g.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

Appeal to  
Court of  
Appeal

- (2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.

Counsel

Decision  
of court

- (3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Director or the Board to do any act the Director or the Board is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Director and the Board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

Idem

- (4) The decision of the Court of Appeal is final.

Protection  
from  
personal  
liability

- 7h.—No action or other proceeding for damages shall be instituted against the Director, any member of the Board or of the Committee or anyone acting under the direction of such Director or member for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

1967, c. 74,  
s. 13,  
amended

- 3.—(1) Section 13 of *The Pesticides Act, 1967* is amended by adding thereto the following clause:

- (aa) providing for the appointment of examiners for applicants for licences, the period for which such appointments may be made and the remuneration of examiners.

1967, c. 74,  
s. 13, cl. 2,  
amended

- (2) Clause *p* of the said section 13 is amended by striking out "Board" in the second line and inserting in lieu thereof "Committee", so that the clause shall read as follows:

- (p) prescribing functions, practices and procedures, tenure of office and remuneration of the Committee.

1967, c. 74,  
s. 13,  
amended

- (3) The said section 13 is further amended by adding thereto the following clause:

- (ra) governing the storage and disposal of any unused portion of any substance used for extermination.

1967, c. 74,  
s. 14,  
amended

4. Section 14 of *The Pesticides Act, 1967* is amended by striking out "not less than \$25 and not more than \$1,000" in the third and fourth lines and inserting in lieu thereof "not more than \$2,000", so that the section shall read as follows:

Offence

14. Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on

summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than three months, or to both.

**5.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-</sup>  
<sup>ment</sup>

**6.** This Act may be cited as *The Pesticides Amendment* <sup>Short title</sup>  
*Act, 1970.*



CHAPTER 105

**An Act to amend  
The Investment Contracts Act**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** Subsection 1 of section 16 of *The Investment Contracts Act* is amended by inserting after “auditor” in the fifth line “or by such officer of the issuer as may be approved by the Superintendent”, so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960,  
c. 194, s. 16,  
subs. 1,  
amended

- (1) Not later than thirty days after the expiration of each quarterly period ending March 31st, June 30th, September 30th and December 31st, every registered issuer shall file with the Superintendent a statement, certified to by its auditor or by such officer of the issuer as may be approved by the Superintendent, showing,
- Filing  
statement

. . . . .

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The Investment Contracts Amendment Act, 1970*.

Short title



## CHAPTER 106

**An Act to amend  
The Prepaid Hospital and Medical  
Services Act**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 5 of *The Prepaid Hospital and Medical Services Act*, as amended by subsection 2 of section 4 of *The Prepaid Hospital and Medical Services Amendment Act, 1968-69*, is further amended by adding thereto the following clause:

R.S.O. 1960,  
c. 304, s. 5,  
subs. 2,  
amended

(ca) that the rates charged or to be charged to subscribers or members are not excessive, inadequate, unfairly discriminatory between risks or otherwise unreasonable.

**2.** Subsection 2 of section 6 of *The Prepaid Hospital and Medical Services Act*, as amended by section 5 of *The Prepaid Hospital and Medical Services Amendment Act, 1968-69*, is further amended by adding thereto the following clause:

R.S.O. 1960,  
c. 304, s. 6,  
subs. 2,  
amended

(ba) that the rates charged or to be charged to subscribers or members are not excessive, inadequate, unfairly discriminatory between risks or otherwise unreasonable.

**3.** *The Prepaid Hospital and Medical Services Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 304,  
amended

6a.—(1) An association shall file with the Superintendent any proposed change in rates at least thirty days prior to the effective date of the change, together with particulars as to how any such rate is made up, and shall furnish such other further information with respect thereto that the Superintendent may require.

Filing of  
proposed  
rate  
change

Order of  
prohibition

- (2) The Superintendent may, within thirty days of the filing with him of any notice of a proposed change in rates, by order prohibit the proposed change in rates if, in his opinion, such proposed change in rates would be excessive, inadequate, unfairly discriminatory between risks or otherwise unreasonable.

R.S.O. 1960,  
c. 304, s. 8,  
amended

**4.** Section 8 of *The Prepaid Hospital and Medical Services Act* is amended by adding thereto the following subsections:

Conditional  
or limited  
registration

- (2) Any registration, or renewal of registration, may be granted by the Superintendent subject to such limitations and conditions relating to the operations of the association that the Superintendent considers necessary to give effect to this Act or for the protection of persons, subscribers or members of any association in Ontario.

Application  
of s. 6a,  
ss. 11-16

- (3) Where the registration of a registered association lapses or is suspended or cancelled and where the Superintendent considers it necessary for the protection of persons, subscribers or members, the Superintendent may designate the association as one to which this Act continues to apply and, until the designation is revoked, section 6a and sections 11 to 16 apply to such designated association in the same manner as to a registered association.

Winding up  
R.S.O. 1960,  
c. 71

- (4) The Superintendent may apply to the court under section 257 of *The Corporations Act* for an order winding up an association that has ceased issuing contracts to its members or subscribers and sections 256 to 284 of *The Corporations Act* apply thereto.

R.S.O. 1960,  
c. 304, s. 15,  
re-enacted

**5.** Section 15 of *The Prepaid Hospital and Medical Services Act* is repealed and the following substituted therefor:

Investments

15. A registered association may invest its funds in the same manner and subject to the same limitations as apply to a joint stock insurance company under *The Insurance Act*, and not otherwise.

R.S.O. 1960,  
c. 190

R.S.O. 1960,  
c. 304, s. 18,  
amended

**6.** Section 18 of *The Prepaid Hospital and Medical Services Act* is amended by striking out "\$20" in the fourth line and inserting in lieu thereof "\$100", so that the section shall read as follows:

Offence to  
carry on  
business  
unless  
registered

18. Every association not registered under this Act that contracts to furnish hospital or medical service on a prepayment basis or makes payment therefor is

guilty of an offence and on summary conviction is liable to a fine of \$100 for each day during which the association carries on such business.

**7.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.<sub>ment</sub>

**8.** This Act may be cited as *The Prepaid Hospital and* <sup>Short title</sup> *Medical Services Amendment Act, 1970.*



## CHAPTER 107

## An Act to amend The Highway Improvement Act

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2 of *The Highway Improvement Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 171, s. 2,  
amended

- (3) The Minister may authorize any department or agency of the Crown or any municipality, including a district, metropolitan or regional municipality, or a local board thereof or any corporation or person, by lease, licence or other arrangement, Use of space  
and areas  
over or  
under  
highway

(a) to use; or

(b) to construct, maintain and use buildings, structures or improvements in or on,

any space or area located over, across or under a highway under the jurisdiction of the Department where, in the opinion of the Minister, such construction, maintenance or use can be carried out without unduly interfering with the public use of the highway.

**2.** Subsection 1 of section 22 of *The Highway Improvement Act*, as re-enacted by subsection 1 of section 4 of *The Highway Improvement Amendment Act, 1962-63* and amended by subsection 1 of section 1 of *The Highway Improvement Amendment Act, 1967*, is further amended by adding "or" at the end of clause *c* and by adding thereto the following clause: R.S.O. 1960,  
c. 171, s. 22,  
subs. 1  
(1962-63,  
c. 55, s. 4,  
subs. 1),  
amended

- (d) that was a connecting link between parts of the King's Highway or an extension of the King's Highway on the date it came under the jurisdiction and control of a township.

R.S.O. 1960,  
c. 171, s. 23  
(1968, c. 49,  
s. 1),  
re-enacted

**3.** Section 23 of *The Highway Improvement Act*, as re-enacted by section 1 of *The Highway Improvement Amendment Act, 1968*, is repealed and the following substituted therefor:

Trans-  
portation  
needs study  
report

23. The Minister and any municipality, including a district, metropolitan or regional municipality, may enter into an agreement for the preparation of a report on the whole or any part of the transportation system required to meet the needs of the municipality, and the Minister may direct payment out of moneys appropriated therefor by the Legislature of a sum not exceeding 75 per cent of the cost of the report.

R.S.O. 1960,  
c. 171, s. 25,  
subs. 2,  
re-enacted

**4.** Subsection 2 of section 25 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Consent to  
closing of  
highway  
connecting  
with King's  
Highway

(2) A municipality shall not open, close or divert any highway or road allowance entering or touching upon or giving access to the King's Highway without the approval of the Lieutenant Governor in Council, and a by-law passed for any of such purposes does not take effect until it has been approved by the Lieutenant Governor in Council.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Highway Improvement Amendment Act, 1970*.

## CHAPTER 108

**An Act to amend  
The Local Roads Boards Act, 1964**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 33 of *The Local Roads Boards Act, 1964* is <sup>1964, c. 56,</sup> amended by adding thereto the following subsection: <sup>s. 33,</sup> amended

- (3) All land heretofore or hereafter acquired under sub-<sup>Land vested</sup> section 2 is vested in the Crown in right of Ontario in Crown and is under the jurisdiction and control of the Minister and when no longer required for the purposes of this Act may be sold, leased or otherwise disposed of by the Minister.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. ment

**3.** This Act may be cited as *The Local Roads Boards* <sup>Short title</sup> *Amendment Act, 1970.*



## CHAPTER 109

**An Act to amend  
The Commuter Services Act, 1965**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 3 of *The Commuter Services Act*, 1965, c. 17, s. 3, subs. 1, 1965 is repealed and the following substituted therefor: re-enacted

(1) Her Majesty the Queen in right of the Province of Ontario, represented by the Minister, may, Establishment and operation of commuter services

(a) establish and operate; and

(b) with the approval of the Lieutenant Governor in Council, enter into agreements with Canadian National Railways and any other corporation or individual, or any one or more of them, with respect to any matter or thing having as its object the establishment and operation, or either of them, of,

commuter services to serve any one or more areas in Ontario.

**2.** Subsection 1 of section 4 of *The Commuter Services Act*, 1965, c. 17, s. 4, subs. 1, 1965, as amended by subsection 1 of section 1 of *The Commuter Services Amendment Act, 1966*, is further amended by striking out "by agreement" in the ninth line, so that the subsection shall read as follows: amended

(1) The Minister may, Acquisition of property

(a) acquire by purchase, lease or otherwise any rolling stock, equipment, apparatus or thing; and

(b) acquire by purchase, lease or otherwise or expropriate any land or any interest in land,

that

that may be required for the establishment and operation, or either of them, of any commuter service that is or is to be provided under section 3.

1965, c. 17, s. 4*a* (1967, c. 10, s. 1), amended      **3.** Section 4*a* of *The Commuter Services Act, 1965*, as enacted by section 1 of *The Commuter Services Amendment Act, 1967*, is amended by adding thereto the following clauses:

(*da*) governing the terms and conditions upon which tickets may be sold;

(*db*) governing the conduct of passengers and for refusing passage to persons who do not comply with the regulations or the terms and conditions upon which tickets are sold.

Commence-  
ment      **4.** This Act comes into force on the day it receives Royal Assent.

Short title      **5.** This Act may be cited as *The Commuter Services Amendment Act, 1970*.

## CHAPTER 110

## An Act to amend The Public Works Act

*Assented to November 13th, 1970*  
*Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Public Works Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 338, s. 4,  
re-enacted

4.—(1) Such officers, clerks and servants may be appointed under *The Public Service Act, 1961-62* as are required from time to time for the proper conduct of the business of the Department. Staff  
1961-62,  
c. 121

(2) The Lieutenant Governor in Council may, by order, appoint the Queen's Printer and Publisher for Ontario who shall then be an officer of the Department and who shall exercise such printing and publishing functions for the government as are assigned to the Queen's Printer and Publisher by law or as may be assigned to him by the Minister. Queen's  
Printer  
and  
Publisher

2. Subsections 1, 2 and 3 of section 5 of *The Public Works Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 338, s. 5,  
subss. 1, 2,  
re-enacted;  
subs. 3,  
repealed

- (1) Before the Minister, for and in the name of the Crown, enters into a contract in respect of the construction, renovation or repair of a public work, he shall invite tenders therefor except,
- (a) in cases of emergency where in the opinion of the Minister delay would be damaging; or
  - (b) where the estimated cost of the work is less than \$10,000,

and the Minister shall report all cases referred to in clause *a* to the Legislature annually.

- (2) The Minister may require and take security by way of bond with or without collateral security or by way of deposit of money for the due performance of any contract entered into under this Act. Tenders for  
public works  
Security for  
performance

R.S.O. 1960,  
c. 338, s. 8,  
re-enacted

3. Section 8 of *The Public Works Act* is repealed and the following substituted therefor:

Power to  
contract

8.—(1) For the purpose of carrying out this Act, the Minister, for and in the name of the Crown, may enter into any contract or agreement that he considers advisable and shall have the power to acquire by purchase, lease or otherwise, or dispose of, where no longer required for the purposes of the government, by sale, lease or otherwise, property real or personal, including any interest or title therein.

Disposal of  
real  
property

(2) Any disposal by the Minister of real property or any grant or lease of, or of an interest in, real property is subject to the approval of the Lieutenant Governor in Council.

R.S.O. 1960,  
c. 338, ss. 17,  
18, 19,  
re-enacted  
ss. 20-36,  
repealed

4. Sections 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 of *The Public Works Act* are repealed and the following substituted therefor:

Functions of  
Department

17. Subject to an express provision in any other Act, it is the responsibility of the Department to,

- (a) acquire, lease and dispose of public works;
- (b) design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer all premises, buildings and structures that are public works;
- (c) determine the public buildings and appurtenant premises, or parts thereof, that are open to the public and manage and administer such buildings, premises or part including, without limiting the generality of the foregoing,
  - (i) regulating vehicular and pedestrian traffic,
  - (ii) setting apart any such buildings, premises or part for a limited use, and
  - (iii) fixing and collecting fees for parking in any area set apart for the purpose;
- (d) develop and manage common services for increasing the efficiency and economy of departments and agencies of the government;

(e)

- (e) purchase services and materiel for the government;
- (f) govern the acquisition of materiel by the government including the establishment of specifications and standards, the cataloguing of approved materiel and the maintenance, storage and disposal of materiel;
- (g) provide such other services as the Lieutenant Governor in Council assigns.

18. Where, under this or any other Act, power or <sup>Delegation of authority</sup> authority is granted to or vested in the Minister, other than the power to expropriate, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or authority to the Deputy Minister, or to any officer or officers of the Department, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the delegation.

19. The Lieutenant Governor in Council may make <sup>Regulations</sup> regulations,

- (a) establishing a central purchasing and supply board and any necessary ancillary advisory committees, to perform such duties as are assigned to them by the Minister;
- (b) prescribing fees for the use of property belonging to or controlled by the government, including plans, specifications, facilities and equipment;
- (c) for the preservation and management of any public building.

**5.** This Act comes into force on the day it receives Royal <sup>Commence-ment</sup> Assent.

**6.** This Act may be cited as *The Public Works Amendment* <sup>Short title</sup> *Act, 1970.*



## CHAPTER 111

**An Act to amend The Income Tax Act, 1961-62**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 3 of section 3 of *The Income Tax Act, 1961-62*, <sup>1961-62, c. 60, s. 3, as amended by section 1 of *The Income Tax Amendment Act, 1965*, <sup>subs. 3, amended</sup> subsection 1 of section 2 of *The Income Tax Amendment Act, 1966*, section 2 of *The Income Tax Amendment Act, 1967*, section 1 of *The Income Tax Amendment Act, 1968* and section 1 of *The Income Tax Amendment Act, 1968-69*, is further amended by striking out "and" at the end of clause g in the amendment of 1968-69, by adding "and" at the end of clause h in the amendment of 1968-69 and by adding thereto the following clause:</sup>

(i) 28 per cent in respect of the 1971 taxation year.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent.<sub>ment</sub>

**3.** This Act may be cited as *The Income Tax Amendment* <sup>Short title</sup>  
*Act, 1970 (No. 2).*



## CHAPTER 112

# An Act to amend The Highway Traffic Act

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *h* of subsection 1 of section 160 of *The Highway Traffic Act*, as enacted by section 9 of *The Highway Traffic Amendment Act, 1970*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 172, s. 160  
(1970, c. 74,  
s. 9),  
subs. 1, cl. *h*,  
re-enacted

(*h*) “dual axle” means any two consecutive axles whose centres are more than 40 inches apart and,

(i) are articulated from a common attachment to the vehicle, or

(ii) designed to equalize the load between the two axles.

(2) Clause *j* of subsection 1 of the said section 160 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 172,  
s. 160 (1970,  
c. 74, s. 9),  
subs. 1, cl. *j*,  
re-enacted

(*j*) “triple axle” means any three consecutive axles, whose consecutive centres are more than 40 inches apart, and,

(i) are articulated from an attachment to the vehicle common to the consecutive axles, or

(ii) designed to equalize the load between the three axles.

**2.** Subsection 1 of section 170 of *The Highway Traffic Act*, as enacted by section 9 of *The Highway Traffic Amendment Act, 1970*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 172, s. 170  
(1970,  
c. 74, s. 9),  
re-enacted

(1) Subject to subsection 2, on and after the 1st day of March, 1971, a vehicle or combination of vehicles

Application  
of Part VI  
or XVI  
after  
March 1st,  
1971

may

may be operated on a highway only in accordance with and subject to the provisions of this Part, of sections 53, 56, 57 and 58 or of Part VI.

R.S.O. 1960,  
c. 172,  
Part XVI  
(1970, c. 74,  
s. 9),  
Tables 1, 2,  
re-enacted

3. Tables 1 and 2 of Part XVI of *The Highway Traffic Act*, as enacted by section 9 of *The Highway Traffic Amendment Act, 1970*, are repealed and the following substituted therefor:

TABLE 1

MAXIMUM ALLOWABLE WEIGHT FOR DUAL AXLE

COLUMN ONE	COLUMN TWO
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
40 or less	20,000
More than 40 and less than 48	32,000
48 " " " 51	35,000
51 " " " 54	35,500
54 " " " 57	36,000
57 " " " 60	36,500
60 " " " 63	37,500
63 " " " 66	38,000
66 " " " 69	38,500
69 " " " 72	39,000
72 or more	40,000

TABLE 2  
MAXIMUM ALLOWABLE WEIGHT FOR TRIPLE AXLE

COLUMN ONE	COLUMN TWO
Axle Spacing in Inches	Maximum Allowable Weight in Pounds
80 or less	35,000
More than 80 and less than 96	40,000
96 " " " 111	44,000
111 " " " 114	44,500
114 " " " 117	45,000
117 " " " 120	45,500
120 " " " 123	46,000
123 " " " 126	46,500
126 " " " 129	47,500
129 " " " 132	48,000
132 " " " 135	49,000
135 " " " 138	49,500
138 " " " 141	50,000
141 " " " 144	50,500
144 " " " 147	51,000
147 " " " 150	51,500
150 " " " 153	52,500
153 " " " 156	53,000
156 " " " 159	54,000
159 " " " 162	54,500
162 " " " 165	55,000
165 " " " 168	55,500
168 " " " 171	56,000
171 " " " 174	56,500
174 " " " 177	57,000
177 " " " 180	57,500
180 " " " 183	58,500
183 " " " 186	59,000
186 " " " 189	59,500
189 " " " 192	59,500
192 or more	60,000

4. This Act comes into force on the 1st day of March, 1971. Commence-  
ment
5. This Act may be cited as *The Highway Traffic Amend-ment Act, 1970 (No. 2)*. Short title



## CHAPTER 113

**An Act to amend  
The Motor Vehicle Accident Claims  
Act, 1961-62**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subclause ii of clause *d* of section 1 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor:

1961-62,  
c. 84, s. 1,  
cl. *d*,  
subcl. ii,  
re-enacted

- (ii) in respect of which there is on deposit with the Registrar money, securities or a bond in an amount equal to the minimum limit of liability prescribed under section 216 of *The Insurance Act*, or

R.S.O. 1960,  
c. 190

**2.—(1)** Subsection 2 of section 2 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor:

1961-62,  
c. 84, s. 2,  
subs. 2,  
re-enacted

- (2) Unless the owner of a motor vehicle,

Uninsured  
motor  
vehicle fee

- (a) satisfies the Registrar that the motor vehicle is insured under a motor vehicle liability policy in a form prescribed by *The Insurance Act* and approved thereunder by the Superintendent of Insurance for not less than the amounts prescribed under section 216 of *The Insurance Act*; or
- (b) has on deposit with the Registrar money, securities or a bond in an amount equal to the minimum limit of liability provided under section 216 of *The Insurance Act*; or
- (c) is a government or other body or person exempt from paying registration fees under the regulations made under *The Highway Traffic Act* or a municipality,

R.S.O. 1960,  
c. 172

upon

upon the issuance of a permit or transfer of a permit for the current registration year for the motor vehicle, there shall be paid to the Fund by the person to whom the permit or transfer is issued such fee, to be known as the uninsured motor vehicle fee, as may be prescribed by the Lieutenant Governor in Council.

1961-62,  
c. 84, s. 2,  
subs. 5,  
re-enacted

(2) Subsection 5 of the said section 2 is repealed and the following substituted therefor:

Uninsured  
motor  
vehicle fee  
payable on  
cancellation  
of  
insurance,  
etc.

(5) When the owner of a motor vehicle,

(a) has complied with clause *a* of subsection 2 and the policy of insurance lapses or is cancelled; or

(b) has on deposit with the Registrar securities or a bond as required under clause *b* of subsection 2 and the securities or bond, as the case may be, are cancelled,

the owner shall pay forthwith the uninsured motor vehicle fee.

1961-62,  
c. 84, s. 3,  
subss. 3, 4  
(1964, c. 66,  
s. 3),  
re-enacted

**3.** Subsections 3 and 4 of section 3 of *The Motor Vehicle Accident Claims Act, 1961-62*, as re-enacted by section 3 of *The Motor Vehicle Accident Claims Amendment Act, 1964*, are repealed and the following substituted therefor:

Offence  
for failure  
to produce  
evidence

(3) Every owner of a motor vehicle who fails to produce evidence under subsection 1 when requested to do so or within a reasonable time of such request is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500.

Offence for  
producing  
false  
evidence

(4) Every owner of a motor vehicle who produces false evidence when he is required to produce evidence under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500, and in addition his licence may be suspended for a period of not more than one year.

1961-62,  
c. 84, s. 5,  
subs. 5  
(1964, c. 66,  
s. 4, subs. 1),  
re-enacted

**4.**—(1) Subsection 5 of section 5 of *The Motor Vehicle Accident Claims Act, 1961-62*, as re-enacted by subsection 1 of section 4 of *The Motor Vehicle Accident Claims Amendment Act, 1964*, is repealed and the following substituted therefor:

- (5) Where payment is made under subsection 3, the driver's licence of the person to whom the notice was forwarded under subsection 2 shall be forthwith suspended by the Registrar and shall not be reinstated until such person has,

- (a) repaid in full to the Fund the amount paid out; or
- (b) commenced instalment repayments in accordance with an undertaking referred to in clause *b* of subsection 3 or the regulations under section 10.

(2) Subsection 6 of the said section 5, as amended by sub-section 2 of section 4 of *The Motor Vehicle Accident Claims Amendment Act, 1964*, is repealed and the following substituted therefor:

- (6) Where a person who has commenced repayment of the amount paid out of the Fund on the undertaking referred to in clause *b* of subsection 3 or by the payment of instalments in accordance with the regulations under section 10 is in default in any payment for a period of ten days, the Registrar shall forthwith suspend the driver's licence of such person.

**5.** Section 9 of *The Motor Vehicle Accident Claims Act, 1961-62* is repealed and the following substituted therefor:

9. Where the Minister pays out of the Fund any amount in satisfaction of a judgment, the driver's licence of the judgment debtor on whose behalf such payment is made shall be forthwith suspended by the Registrar and shall remain suspended until he has,

- (a) repaid in full to the Fund the amount paid out; or
- (b) commenced instalment repayments in accordance with section 10 and the regulations made thereunder.

**6.** Section 26a of *The Motor Vehicle Accident Claims Act, 1961-62*, as enacted by section 8 of *The Motor Vehicle Accident Claims Amendment Act, 1964*, is repealed.

**7.** This Act comes into force on the 1st day of December, 1970.

**8.** This Act may be cited as *The Motor Vehicle Accident Claims Amendment Act, 1970*.



## CHAPTER 114

**An Act to amend The Forestry Act**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Forestry Act*, as amended by section 1 of <sup>R.S.O. 1960,  
c. 153, s. 1,</sup> *The Forestry Amendment Act, 1961-62* and section 1 of <sup>amended</sup> *The Forestry Amendment Act, 1967*, is further amended by adding thereto the following clause:

(ab) "municipality" includes a district municipality and a regional municipality.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.<sub>ment</sub>

**3.** This Act may be cited as *The Forestry Amendment* <sup>Short title</sup> *Act, 1970.*



CHAPTER 115

An Act to amend The Trees Act

*Assented to November 13th, 1970*  
*Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Trees Act*, as re-enacted by section 1 of R.S.O. 1960, c. 406, s. 1 *The Trees Amendment Act*, 1967, is repealed and the following (1967, c. 103, s. 1), re-enacted substituted therefor:

1. In this Act, Interpre-  
tation

- (a) “county” includes a district municipality and a regional municipality;
- (b) “forestry purposes” includes the production of wood and wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, recreation, and protection and production of water supplies.

2. This Act comes into force on the day it receives Royal Commence-  
ment Assent.

3. This Act may be cited as *The Trees Amendment Act*, Short title 1970.



## CHAPTER 116

**An Act to amend  
The Provincial Land Tax Act, 1961-62**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Paragraph 10 of subsection 1 of section 3 of *The Provincial Land Tax Act, 1961-62* is amended by striking out “or for producing power for sale” in the sixth line, so that the paragraph shall read as follows: 1961-62,  
c. 111, s. 3,  
subs. 1,  
par. 10,  
amended

10. All machinery and equipment used for manufacturing or farming purposes, including the foundations on which they rest, but not including machinery and equipment to the extent that it is used, intended or required for lighting, heating or other building purposes, or machinery owned, operated or used by a transportation system or by a person having the right, authority or permission to construct, maintain or operate within Ontario in, under, above, on or through any highway, lane or other public communication, public place or public water, any structure or other thing, for the purposes of a bridge or transportation system, or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of transportation, transmission or conveyance for the supply of water, light, heat, power or other service. Machinery

(2) Subsection 1 of the said section 3 is amended by adding thereto the following paragraph: 1961-62,  
c. 111, s. 3,  
subs. 1,  
amended

16. The buildings and grounds of an athletic field, an outdoor swimming pool, an outdoor skating rink or a community hall owned by a board as defined in *The Schools Administration Act* and having jurisdiction Community  
centres  
  
R.S.O. 1960,  
c. 60, 361

only

only in territory without municipal organization and in respect of which a grant has been made under *The Community Centres Act*.

Commence-  
ment

**2.** This Act shall be deemed to have come into force on the 1st day of January, 1970.

Short title

**3.** This Act may be cited as *The Provincial Land Tax Amendment Act, 1970*.

## CHAPTER 117

**An Act to amend  
The Gasoline Handling Act, 1968-69**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *j* of section 1 of *The Gasoline Handling Act, 1968-69* is repealed and the following substituted therefor: 1968-69,  
c. 41, s. 1,  
cl. j,  
re-enacted

(j) "Minister" means the Minister of Labour.

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Gasoline Handling Amendment Act, 1970*. Short title



## CHAPTER 118

**An Act to amend The Department of Financial and Commercial Affairs Act, 1966**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 8a of *The Department of Financial and Commercial Affairs Act, 1966*, as enacted by section 2 of *The Department of Financial and Commercial Affairs Amendment Act, 1968-69*, is amended by adding thereto the following subsections:

(11) The Lieutenant Governor in Council may appoint a Registrar for the Tribunal who shall perform such duties as are assigned to him under this or any other Act or by the chairman of the Tribunal.

(12) The Registrar for the Tribunal and every member of the Tribunal have power to administer oaths and affirmations for the purpose of any of its proceedings.

**2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

**3.** This Act may be cited as *The Department of Financial and Commercial Affairs Amendment Act, 1970*.



## CHAPTER 119

**An Act to amend  
The Residential Property Tax  
Reduction Act, 1968**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Residential Property Tax Reduction Act, 1968* is <sup>1968,</sup> amended by adding thereto the following sections: <sup>c. 118,</sup> amended

8a.—(1) Commencing in the year 1970 and in respect of each year thereafter, the Treasurer of Ontario shall pay the sum of \$50 to each person whose principal place of residence is in Ontario and who is entitled, on any date prescribed by the Minister, to a payment by the Government of Canada of a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada). <sup>Supplementary tax assistance to certain pensioners</sup> R.S.C. 1952,  
c. 200

(2) Where a person is eligible for a payment under subsection 1 and he or his spouse is entitled to a reduction in municipal taxes under section 2 in respect of the property in which he or she resides, and where such property is occupied by no other person except a spouse who is not eligible for a payment under subsection 1, such person shall, subject to subsection 3, be entitled to be paid by the Treasurer of Ontario for each year, upon submission of an application, in a form prescribed by the Minister, not later than the end of the year following the year in respect of which the application was made, an additional sum equal to, <sup>Additional payment</sup>

(a) where the person or his spouse is assessed for such property, the amount of municipal taxes payable by such person or spouse after the reduction made under section 2 in that year for such property further reduced by the sum of \$50; or

(b)

- (b) where the person or his spouse rents such property, one-fifth of the amount of the yearly rent payable for such property by such person or spouse on any date prescribed by the Minister, reduced by the sum of \$50.

Maximum  
additional  
payment  
\$50

- (3) No payment under subsection 2 shall exceed \$50.

Regulations

- 8b. The Lieutenant Governor in Council may, upon the recommendation of the Minister, make regulations extending the eligibility for payments under section 8a to any other person entitled to a payment by the Government of Canada of a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada).

R.S.C. 1952,  
c. 200

Idem

- 8c. The Minister may make regulations,

- (a) prescribing a date or dates for the purposes of subsections 1 and 2 of section 8a;
- (b) prescribing forms of application for the purposes of section 8a;
- (c) generally for the administration of section 8a.

Commence-  
ment

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Residential Property Tax Reduction Amendment Act, 1970 (No. 2)*.

## CHAPTER 120

# An Act to amend The Division Courts Act

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The title to *The Division Courts Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 110,  
title  
re-enacted

*The Small Claims Courts Act.*

(2) A reference to *The Division Courts Act* in any statute, regulation or document shall be deemed to be a reference to *The Small Claims Courts Act*.

References

**2.** Sections 3 and 4 of *The Division Courts Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 110,  
ss. 3, 4,  
re-enacted

3. Subject to this Act and the rules, the division courts existing on the day section 2 of *The Division Courts Amendment Act, 1970* comes into force are continued and shall be known as small claims courts.

Small  
claims  
courts

4. The court in each division shall be called "The First (or as the case may be) Small Claims Court of the County of .....".

Name

**3.**—(1) After this section comes into force, the division courts and division court judges, clerks and bailiffs shall be known and referred to as small claims courts, and small claims court judges, clerks and bailiffs, and nothing in section 1 or 2 shall be construed to affect the continuance of any action, proceeding or other matter or any process commenced in or issued from a division court before this section comes into force, under the name as changed to the small claims court.

Designation  
of courts

(2) Every reference to division courts or to any judge, officer, office or process thereof in any statute, regulation or document shall be deemed to be a reference to the small claims court for the same division or to a judge, officer, office or process thereof, as the case may be.

References

R.S.O. 1960,  
c. 110,  
s. 11a  
(1961-62,  
c. 35, s. 2),  
re-enacted

**4.** Section 11a of *The Division Courts Act*, as enacted by section 2 of *The Division Courts Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Appoint-  
ment of  
judges

11a.—(1) The Lieutenant Governor in Council may appoint small claims court judges.

Idem

(2) Division court judges who are in office when section 3 of *The Division Courts Amendment Act, 1970* comes into force shall continue in office as small claims court judges.

R.S.O. 1960,  
c. 110, s. 19,  
re-enacted

**5.** Section 19 of *The Division Courts Act* is repealed and the following substituted therefor:

Holiday  
defined

19.—(1) In this section, “holiday” means,

R.S.O. 1960,  
c. 191

(a) a holiday as defined in *The Interpretation Act*;

(b) Saturday;

(c) the day proclaimed as Civic Holiday in the municipality in which the small claims court office is located;

(d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

Office  
hours

(2) Except on holidays when they shall be closed, every small claims court office shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon.

R.S.O. 1960,  
c. 110, s. 31  
(1968, c. 31,  
s. 4),  
amended

**6.** Section 31 of *The Division Courts Act*, as re-enacted by section 4 of *The Division Courts Amendment Act, 1968*, is amended by striking out “and emoluments” in the first line, so that the section shall read as follows:

Fees for  
sittings

31. Where the gross fees earned by a clerk or bailiff are less than \$1,000 a year, there shall be paid to the clerk and bailiff, respectively, out of the moneys appropriated by the Legislature for the administration of justice the sum of \$4 for attending each sitting of the court.

**7.**—(1) *The Division Courts Act* is amended by adding thereto the following sections: R.S.O. 1960,  
c. 110,  
amended

31a. Where the gross fees earned by a clerk in a year are less than \$13,333.33, there shall be paid to the clerk an additional allowance amounting to 10 per cent of such gross fees less 40 per cent of such gross fees that are in excess of \$10,000. Additional  
allowance  
for clerks

31b. Where the gross fees earned by a bailiff in a year are less than \$20,000, there shall be paid to the bailiff an additional allowance of 10 per cent of such gross fees, less 20 per cent of such gross fees that are in excess of \$10,000. Additional  
allowance  
for bailiffs

(2) The moneys required for the purposes of this section in respect of the period from the 1st day of January, 1969 to the 31st day of March, 1970 shall be paid out of the Consolidated Revenue Fund and thereafter the moneys required for the purposes of this section shall be paid out of the moneys appropriated by the Legislature for the purpose. Moneys

**8.**—(1) Section 108 of *The Division Courts Act*, as amended by section 3 of *The Division Courts Amendment Act, 1964*, is further amended by striking out “Court of Appeal” in the first and second lines and inserting in lieu thereof “Supreme Court”, so that the section, exclusive of the clauses, shall read as follows: R.S.O. 1960,  
c. 110,  
s. 108,  
amended

108. Subject to section 107, an appeal lies to the Supreme Court from the decision of the judge at or after the trial or upon an application for a new trial, except in cases where a new trial has been granted, Appeal to  
Supreme  
Court

. . . . .

(2) Clause *d* of the said section 108 is amended by striking out “Court of Appeal” in the fourth line and inserting in lieu thereof “Supreme Court”, so that the clause shall read as follows: R.S.O. 1960,  
c. 110,  
s. 108,  
cl. d,  
amended

(*d*) where the effect of the decision is to determine that a general assessment made by a mutual insurance company is invalid, but the company, unless the Supreme Court otherwise directs, shall pay the respondent's costs of the appeal between solicitor and client on the county court scale in any event.

**9.** Section 111 of *The Division Courts Act* is amended by striking out “Osgoode Hall” in the third line. R.S.O. 1960,  
c. 110,  
s. 111,  
amended

R.S.O. 1960, c. 110, s. 112, subs. 1, amended **10.** Subsection 1 of section 112 of *The Division Courts Act* is amended by striking out “and shall be heard and determined by one justice of appeal” in the second and third lines, so that the subsection shall read as follows:

Appeal,  
when and  
how made

(1) The appeal shall be made in the time and manner prescribed by the rules of court.

R.S.O. 1960, c. 110, s. 113, amended **11.** Section 113 of *The Division Courts Act* is amended by striking out “Court of Appeal” in the first line and in the second line and inserting in lieu thereof in each instance “Supreme Court”, so that the section shall read as follows:

Powers and  
duties of  
Supreme  
Court  
R.S.O. 1960,  
c. 76

**113.** On an appeal to the Supreme Court under this Act, the Supreme Court has the same powers and duties as in an appeal coming before it under *The County Courts Act* and the practice and procedure applicable thereto applies *mutatis mutandis* to appeals under this Act.

R.S.O. 1960, c. 110, ss. 179-181, repealed **12.** Sections 179, 180 and 181 of *The Division Courts Act* are repealed.

R.S.O. 1960, c. 110, s. 215, subs. 1, re-enacted **13.** Subsection 1 of section 215 of *The Division Courts Act* is repealed and the following substituted therefor:

Appeal

(1) An appeal lies to the Supreme Court from a judgment under section 214.

Application of ss. 8, 10, 11, 13 **14.** Sections 8, 10, 11 and 13 do not apply to actions commenced before those sections come into force.

Commence-  
ment **15.**—(1) This Act, except sections 1, 2, 3, 4, 6, 7, 8, 10, 11, 13 and 14, comes into force on the day it receives Royal Assent.

Idem (2) Sections 1, 2, 3 and 4 come into force on the 1st day of January, 1971.

Idem (3) Sections 6 and 7 shall be deemed to have come into force on the 1st day of January, 1969.

Idem (4) Sections 8, 10, 11, 13 and 14 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **16.** This Act may be cited as *The Division Courts Amendment Act, 1970*.

## CHAPTER 121

**An Act to amend  
The Public Officers' Fees Act**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 2 of *The Public Officers' Fees Act* R.S.O. 1960, c. 327, s. 2, subs. 1, amended is amended by striking out "or other emoluments" in the second line and by striking out "and emoluments" in the third and fourth lines, so that the subsection shall read as follows:

- (1) Every officer to whom this Act applies who is paid by fees and not by salary only shall pay to the Treasurer of Ontario a percentage of the fees earned by him during the calendar year as provided by this Act and by any regulation made thereunder. Percentage of fees payable to Province

**2.** Section 7 of *The Public Officers' Fees Act*, as re-enacted by section 1 of *The Public Officers' Fees Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 327, s. 7 (1962-63, c. 116, s. 1), re-enacted

- 7.—(1) Every division court clerk is entitled to retain to his own use in each year, Division court clerks

(a) all the gross fees earned by him in that year up to \$20,000;

(b) on the excess over \$20,000, 40 per cent thereof,

and he shall pay the balance of such fees to the Treasurer of Ontario.

- (2) Every division court bailiff is entitled to retain to his own use in each year, Division court bailiffs

(a)

(a) all the gross fees earned by him in that year up to \$20,000;

(b) on the excess over \$20,000, 70 per cent thereof,

and he shall pay the balance of such fees to the Treasurer of Ontario.

Commence-  
ment

**3.** This Act shall be deemed to have come into force on the 1st day of January, 1969.

Short title

**4.** This Act may be cited as *The Public Officers' Fees Amendment Act, 1970*.

## CHAPTER 122

**An Act to amend  
The Stock Yards Act**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 3 of section 2 of *The Stock Yards Act* is amended by striking out "seven" in the first line and inserting in lieu thereof "nine", so that the subsection shall read as follows: R.S.O. 1960, c. 385, s. 2, subs. 3, amended

(3) The Board shall consist of not more than nine Members of Board persons appointed by the Lieutenant Governor in Council.

**2.** This Act comes into force on the day it receives Royal Commence-  
ment Assent.

**3.** This Act may be cited as *The Stock Yards Amendment Act, 1970*. Short title



## CHAPTER 123

## An Act to amend The Regional Municipality of Niagara Act, 1968-69

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *g* of subsection 1 of section 2 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out the third, fourth and fifth paragraphs of the description and substituting therefor:

1968-69,  
c. 106, s. 2,  
subs. 1, cl. *g*,  
amended

“THENCE westerly parallel to the south limit of the last-mentioned allowance for road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175' west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175' west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100' east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank, always 100' east of the centre line of the present ship canal to a point distant 1,000' measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road”.

(2) Clause *k* of subsection 1 of the said section 2 is amended by striking out the tenth, eleventh and twelfth paragraphs of the description and substituting therefor:

1968-69,  
c. 106, s. 2,  
subs. 1, cl. *k*,  
amended

“THENCE westerly along a line parallel to the south limit of the road allowance between the said town-

ships

ships of Humberstone and Crowland known as Netherby Road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175' west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175' west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100' east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank always 100' east of the centre line of the present ship canal to a point distant 1,000' measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road;"

1968-69,  
c. 106, s. 3,  
subs. 5,  
re-enacted

**2.** Subsection 5 of section 3 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor:

Elections  
1972  
Niagara  
Falls

(5) The Minister, for the purposes of the election of council for the City of Niagara Falls for the years 1973 and 1974, may by order,

(a) redivide the City of Niagara Falls into wards;

(b) make provision that only persons whose principal place of residence is continuously from the 1st day of January, 1972, to the date of nominations in such wards are eligible to be elected as aldermen for such wards; and

(c) provide for such other matters as he considers necessary to hold such election.

1968-69,  
c. 106, s. 81a  
(1968-69,  
c. 107, s. 4),  
subs. 1,  
amended

**3.**—(1) Subsection 1 of section 81a of *The Regional Municipality of Niagara Act, 1968-69*, as enacted by section 4 of *The Regional Municipality of Niagara Amendment Act, 1968-69*, is amended by striking out "during the year 1970" in the fourth line, so that the subsection shall read as follows:

Existing  
speed limits  
continued  
R.S.O. 1960,  
c. 172

(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in

the Regional Area that, on the 31st day of December, 1969, formed part of a city, town, village or township municipality or police village shall be deemed to continue to form part of a city, town, village or township municipality or police village.

(2) Subsection 3 of the said section 81*a* is amended by striking out "during the year 1970" in the seventh line, so that the subsection shall read as follows:

1968-69,  
c. 106, s. 81*a*  
(1968-69,  
c. 107, s. 4),  
subs. 3,  
amended

(3) Every by-law passed by the council of a municipality or by the trustees of a police village under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1969, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto.

Existing  
by-laws  
under  
s. 59 of  
R.S.O. 1960,  
c. 172  
continued

4. Clause *a* of section 116 of *The Regional Municipality of Niagara Act, 1968-69* is amended by inserting after "Act" in the fourth line "except subsections 1 to 4 of section 7 thereof", so that the clause shall read as follows:

1968-69,  
c. 106,  
in s. 116, cl. *a*,  
amended

(*a*) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except subsections 1 to 4 of section 7 thereof; and

R.S.O. 1960,  
c. 298

. . . . .

5. Clause *c* of subsection 3 of section 118 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted therefor:

1968-69,  
c. 106,  
s. 118,  
subs. 3,  
cl. *c*,  
re-enacted

(*c*) have credited to him in the Niagara Regional Police Force the number of years of service that he had in the police force of the local municipality of which he was a member on the 31st day of December, 1969, together with his year of service in the police force of the area municipality.

6. Subsections 2, 3 and 4 of section 130 of *The Regional Municipality of Niagara Act, 1968-69*, are repealed and the following substituted therefor:

1968-69,  
c. 106,  
s. 130,  
subs. 2-4,  
re-enacted

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of

Rates for  
public school  
purposes on  
commercial  
assessment

R.S.O. 1960,  
c. 361

the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for  
public  
school  
purposes on  
residential  
assessment

- (3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for  
secondary  
school  
purposes on  
commercial  
assessment

- (4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Rates for  
secondary  
school  
purposes on  
residential  
assessment

- (5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 128.

Regulations  
under  
R.S.O. 1960,  
c. 362 to  
apply

- (6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act*

the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

- (7) The provisions of this section apply until the date <sup>Application of section</sup> determined by the Minister under subsection 5 of section 126.

**7.** Section 131 of *The Regional Municipality of Niagara Act, 1968-69* is repealed and the following substituted there- <sup>1968-69, c. 106, s. 131, re-enacted</sup> for:

131. The Minister may provide from time to time by <sup>Transitional adjustments</sup> order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

**8.** Subsection 3 of section 163 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out "Sections 10, 11 and, subject to subsection 3 of section 2" in the first <sup>1968-69, c. 106, s. 163, subs. 3, amended</sup> line and inserting in lieu thereof "Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of", so that the subsection shall read as follows:

- (3) Sections 10 and 11 and, subject to subsection 3 of <sup>Erections, annexations and amalgamations</sup> section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in <sup>R.S.O. 1960, c. 249</sup> relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

**9.**—(1) Subsection 3 of section 182 of *The Regional Municipality of Niagara Act, 1968-69* is amended by striking out <sup>1968-69, c. 106, s. 182, subs. 3, amended</sup> "1971" in the sixth line and inserting in lieu thereof "1972".

(2) Subsection 4 of the said section 182 is amended by <sup>1968-69, c. 106, s. 182, subs. 4, amended</sup> striking out "1971" in the fifth line and inserting in lieu thereof "1972".

**10.** Subsection 2b of section 183 of *The Regional Municipality of Niagara Act, 1968-69*, as enacted by section 8 of <sup>1968-69, c. 106, s. 183, subs. 2b (1968-69, c. 107, s. 8), re-enacted</sup> *The Regional Municipality of Niagara Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Licensing  
by-law may  
be passed  
by councils  
of cities  
R.S.O. 1960,  
c. 249

(2b) The council of any city in the Regional Area may pass any by-law that a board of commissioners of police of a city is authorized to pass under *The Municipal Act*.

1968-69,  
c. 106,  
amended

**11.** *The Regional Municipality of Niagara Act, 1968-69* is amended by adding thereto the following section:

Courts of  
revision  
continued

184b. The courts of revision constituted for the counties of Lincoln and Welland in the year 1969 shall be deemed to have been and are continued for the purposes of section 85 of *The Assessment Act, 1968-69*, and the Regional Corporation shall be deemed to have been and is authorized to make all necessary expenditures required for such courts of revision.

1968-69,  
c. 6

Commence-  
ment

**12.** This Act comes into force on the day it receives Royal Assent.

Short  
title

**13.** This Act may be cited as *The Regional Municipality of Niagara Amendment Act, 1970*.

## CHAPTER 124

**An Act to amend  
The Ontario Water Resources Commission Act**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *p* of section 1 of *The Ontario Water Resources Commission Act* is amended by adding at the end thereof "and such other matter or substance as is specified by regulations made under clause *ga* of subsection 1 of section 47", so that the clause shall read as follows:

R.S.O. 1960,  
c. 281, s. 1,  
cl. *p*,  
amended

- (*p*) "sewage" includes drainage, storm water, commercial wastes and industrial wastes and such other matter or substance as is specified by regulations made under clause *ga* of subsection 1 of section 47.

**2.—**(1) Subsection 1 of section 3 of *The Ontario Water Resources Commission Act* is amended by striking out "three" in the fifth line and inserting in lieu thereof "five" and by striking out "seven" in the fifth line and inserting in lieu thereof "eleven", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 281, s. 3,  
subs. 1,  
amended

- (1) The Ontario Water Resources Commission constituted a corporation without share capital on behalf of Her Majesty in right of Ontario by *The Ontario Water Resources Commission Act, 1956* is continued and shall be composed of not fewer than five and not more than eleven persons as the Lieutenant Governor in Council from time to time determines.

Commission  
continued  
1956, c. 62

(2) Subsections 2 and 3 of the said section 3 are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 281, s. 3,  
subs. 2, 3,  
re-enacted

- (2) The Lieutenant Governor in Council shall appoint the members of the Commission and shall designate one member as chairman and one or more members as vice-chairmen.

Appoint-  
ment

Acting  
chairman

- (3) In the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, a vice-chairman designated by the chairman or, failing such designation, a vice-chairman designated by the Commission shall act as and have all the powers of the chairman and, in the event of the absence of the chairman and vice-chairman from any meeting of the Commission, the members present shall appoint an acting chairman, who, for the purposes of the meeting shall act as and have all the powers of the chairman.

R.S.O. 1960,  
c. 281, s. 4,  
amended

**3.** Section 4 of *The Ontario Water Resources Commission Act* is amended by inserting after "minute" in the first line "of the Commission or of any direction, order, report, approval, notice, permit or licence made or issued by the Commission", so that the section shall read as follows:

Evidence

4. A copy of any by-law, resolution or minute of the Commission or of any direction, order, report, approval, notice, permit or licence made or issued by the Commission certified by the secretary or assistant secretary under the seal of the Commission to be a true copy shall be received as *prima facie* evidence in any court without further proof.

R.S.O. 1960,  
c. 281, s. 8  
(1965, c. 91,  
s. 1),  
subs. 1,  
re-enacted

**4.—**(1) Subsection 1 of section 8 of *The Ontario Water Resources Commission Act*, as re-enacted by section 1 of *The Ontario Water Resources Commission Amendment Act, 1965*, is repealed and the following substituted therefor:

Quorum

- (1) Except as provided in subsection 2, three members of the Commission constitute a quorum.

R.S.O. 1960,  
c. 281, s. 8  
(1965, c. 91,  
s. 1),  
subs. 2,  
cls. a-f,  
repealed

- (2) Clauses *a, b, c, d, e* and *f* of subsection 2 of the said section 8 are repealed.

R.S.O. 1960,  
c. 281,  
amended

**5.** *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Delegation  
of powers

- 8a. The Commission may by resolution authorize on such terms and conditions as it considers proper, any officer or officers of the Commission to exercise any of the powers conferred upon the Commission under,

- (a) subsections 2, 2a, 4 and 5 of section 28a;
- (b) subsections 1 and 3 of section 28b;
- (c) subsections 1 and 2 of section 28c;
- (d) subsections 1, 2 and 4 of section 29;

(e)

- (e) subsections 1 and 3 of section 30;
- (f) subsections 1 and 3 of section 31;
- (g) subsections 1, 4 and 10 of section 32 and subsections 1 and 3 of section 32a respecting the holding of a hearing and the giving of notice thereof; or
- (h) subsections 1 and 1a of section 43.

6. Subsection 2 of section 10 of *The Ontario Water Resources Commission Act*, as re-enacted by section 1 of *The Ontario Water Resources Commission Amendment Act, 1962-63*, is amended by inserting after "permanent" in the second line "and full-time probationary", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 281, s. 10,  
subs. 2  
(1962-63,  
c. 99, s.1),  
amended

- (2) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Commission, except members of the staff who are members of the Ontario Municipal Employees Retirement System, as though the Commission had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Employees'  
superannua-  
tion benefits  
R.S.O. 1960,  
c. 332

7. Section 18 of *The Ontario Water Resources Commission Act*, as amended by section 2 of *The Ontario Water Resources Commission Amendment Act, 1964* and section 1 of *The Ontario Water Resources Commission Amendment Act, 1966*, is further amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 281, s. 18,  
amended

- (4) Every person who hinders or obstructs any employee or agent of the Commission in the exercise of his powers or the performance of his duties under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$200 for every day upon which the offence is committed or continues.

Offence

8. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 281,  
amended

- 25a. Under sections 26, 27, 27b and 28 the quality of water shall be deemed to be impaired if, notwithstanding that the quality of the water is not or may not become impaired, the material deposited or discharged or caused or permitted to be deposited or discharged or any derivative of such material causes or may cause injury to any person, animal, bird or other living thing as a result of the use or

Where  
quality of  
water  
deemed to  
be impaired

consumption of any plant, fish or other living matter or thing in the water or in the soil in contact with the water.

R.S.O. 1960,  
c. 281, s. 26,  
subs. 1,  
re-enacted

9. Subsection 1 of section 26 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

Supervision  
of waters

- (1) For the purposes of this Act, the Commission has the supervision of all surface waters and ground waters in Ontario.

R.S.O. 1960,  
c. 281, s. 27,  
subs. 1  
(1961-62,  
c. 99, s. 5),  
amended

10.—(1) Subsection 1 of section 27 of *The Ontario Water Resources Commission Act*, as re-enacted by section 5 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, is amended by striking out “to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both” in the tenth, eleventh and twelfth lines and inserting in lieu thereof “on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment”, so that the subsection shall read as follows:

Discharge  
of  
polluting  
material  
prohibited

- (1) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.

R.S.O. 1960,  
c. 281, s. 27,  
amended

(2) The said section 27 is amended by adding thereto the following subsections:

Separate  
offences

- (1a) Each day that a municipality or person contravenes subsection 1 constitutes a separate offence.

Commission  
to be  
notified  
when  
polluting  
material is  
discharged,  
deposited or  
escapes

- (1b) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind, and such discharge or deposit is not in the normal course of events, or from whose control material of any kind escapes

into

into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse, shall forthwith notify the Commission of the discharge, deposit or escape, as the case may be.

- (1c) Every municipality or person that fails to notify the Commission as provided in subsection 1b is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

**11.** *The Ontario Water Resources Commission Act* is amended by adding thereto the following sections: R.S.O. 1960,  
c. 281,  
amended

27a.—(1) With the approval of the Minister, the Commission may by order prohibit or regulate the discharge or deposit by any municipality or person of any sewage into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse, and any such order may, with the approval of the Minister, be amended, varied or revoked by the Commission as it considers desirable. Prohibiting  
or  
regulating  
discharge of  
sewage

- (2) Every municipality or person that contravenes an order made under subsection 1 is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000. Offence

- (3) Each day that a municipality or person contravenes an order made under subsection 1 constitutes a separate offence. Separate  
offences

27b.—(1) Where, in the opinion of the Commission it is in the public interest to do so, the Commission may by order require any municipality or industrial or commercial enterprise to have on hand and available at all times such equipment, chemicals and other materials as the order specifies to alleviate the effects of any impairment of the quality of water that may be caused by the municipality or industrial or commercial enterprise. Equipment,  
etc., to  
alleviate  
effects of  
impairment  
of quality  
of water

- (2) Every municipality or industrial or commercial enterprise that contravenes an order of the Commission made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 for every day the contravention continues. Offence

Before  
making  
order  
Commission  
to hold  
hearing

27c. Before making an order under section 27a, 27b, subsection 2a of section 28a or section 50, the Commission shall afford a reasonable opportunity to be heard to the municipality or person to whom the order is proposed to be directed.

R.S.O. 1960,  
c. 281, s. 30,  
subs. 2,  
amended

**12.** Subsection 2 of section 30 of *The Ontario Water Resources Commission Act* is amended by inserting after "person" in the fifth line and in the eleventh line "or his successor or assignee", so that the subsection shall read as follows:

Powers of  
Commission  
where water  
works  
undertaken  
without  
approval

(2) Where any person undertakes or proceeds with the establishment of any water works, or the extension of or change in any existing water works, without having first obtained the approval of the Commission, the Commission may order the person or his successor or assignee to afford at his own expense such facilities as the Commission may deem necessary for the investigation of the works and the source of water supply and may direct such changes to be made in the source of water supply and in the works as the Commission may deem necessary, and any changes directed by the Commission to be made in the works shall be carried out by the person or his successor or assignee at his own expense.

R.S.O. 1960,  
c. 281, s. 31,  
subs. 2,  
amended

**13.** Subsection 2 of section 31 of *The Ontario Water Resources Commission Act* is amended by inserting after "person" in the fifth line and in the twelfth line "or his successor or assignee", so that the subsection shall read as follows:

Powers of  
Commission  
where  
sewage  
works  
undertaken  
without  
approval

(2) Where any person undertakes or proceeds with the establishment of any sewage works, or the extension of or any change in any existing sewage works, without having first obtained the approval of the Commission, the Commission may order the person or his successor or assignee to afford at his own expense such facilities as the Commission may deem necessary for the investigation of the works and the location of the discharge of effluent and may direct such changes to be made in the location of the discharge of effluent and in the works as the Commission may deem necessary, and any changes directed by the Commission to be made in the works shall be carried out by the person or his successor or assignee at his own expense.

R.S.O. 1960,  
c. 281, s. 32  
(1966,  
c. 108, s. 5),  
subs. 1,  
amended

**14.—(1)** Subsection 1 of section 32 of *The Ontario Water Resources Commission Act*, as re-enacted by section 5 of

*The Ontario Water Resources Commission Amendment Act, 1966*, is amended by striking out "each other municipality concerned" in the seventh line and inserting in lieu thereof "the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities", so that the subsection shall read as follows:

- (1) Where any municipality contemplates establishing or extending its sewage works in or into another municipality or territory without municipal organization, the Commission shall, before giving its approval under section 31, hold a public hearing and give at least ten days notice of the hearing to the clerk of the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities and to such other persons and in such manner as the Commission may direct.

Establishment or extension of sewage works in or into another municipality, etc.

- (2) Subsection 5 of the said section 32 is amended by striking out "each other municipality concerned" in the thirty-first and thirty-second lines and inserting in lieu thereof "the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities", so that the last four lines of the subsection shall read as follows:

R.S.O. 1960, c. 281, s. 32 (1966, c. 108, s. 5), subs. 5, amended

and notice of the application shall be given to the clerk of the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities and to such other persons and in such manner as the Board may direct.

- (3) The said section 32 is amended by adding thereto the following subsections:

R.S.O. 1960, c. 281, s. 32 (1966, c. 108, s. 5), amended

- (11) Where the Commission has given its approval under section 31 to an extension by a person of his sewage works from one municipality into another municipality or into territory without municipal organization the Board may, on application made by the person undertaking the extension, order the amendment of any by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* or any by-law passed under section 30 of *The Planning Act* or any official plan to permit the use of the land for the extension.

Application to Board

R.S.O. 1960, cc. 249, 296

Powers of  
Board

- (12) The Board, as a condition of making an order under subsection 11, may impose such restrictions, limitations and conditions respecting the use of land for the extension of the sewage works, not inconsistent with the terms and conditions of the approval of the Commission given under section 31, as to the Board may appear necessary or expedient.

R.S.O. 1960,  
c. 281,  
s. 32a (1966,  
c. 108, s. 6),  
amended

**15.** Section 32a of *The Ontario Water Resources Commission Act*, as enacted by section 6 of *The Ontario Water Resources Commission Amendment Act, 1966*, is amended by adding thereto the following subsections:

Application  
to Board

- (4) Where the Commission has given its approval under section 31 to an establishment or extension by a person of sewage treatment works within a municipality the Board may, on application by the person undertaking the establishment or extension, order the amendment of any by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* or any by-law passed under section 30 of *The Planning Act* or any official plan to permit the use of land for the establishment or extension.

R.S.O. 1960,  
cc. 249, 296

Powers of  
Board

- (5) The Board, as a condition of making an order under subsection 4, may impose such restrictions, limitations and conditions respecting the use of land for the establishment or extension of the sewage treatment works not inconsistent with the terms and conditions of the approval of the Commission given under section 31, as to the Board may appear necessary or expedient.

R.S.O. 1960,  
c. 281,  
amended

**16.** *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Application  
of s. 32,  
subss. 11, 12,  
and s. 32a,  
subss. 4, 5  
to municipi-  
pality

- 32b. Subsections 11 and 12 of section 32 and subsections 4 and 5 of section 32a apply *mutatis mutandis* to a municipality that has obtained the approval of the Commission to the establishment or extension of its sewage works or to the establishment or extension of sewage treatment works.

R.S.O. 1960,  
c. 281, s. 40,  
subs. 1,  
par. 2,  
amended

**17.** Paragraph 2 of subsection 1 of section 40 of *The Ontario Water Resources Commission Act* is amended by striking out "the rate of 3¼ per cent per annum" in the sixth and seventh lines and inserting in lieu thereof "such rate as is prescribed by regulation by the Commission", so that the paragraph shall read as follows:

2. In each calendar year for such period of years as may be prescribed by such agreement, commencing not later than the fifth calendar year next following the date of completion of such project, such sum as would be necessary with interest compounded annually thereon at such rate as is prescribed by regulation by the Commission to form at the expiry of such period of years a fund equal to the cost of such project.

**18.** *The Ontario Water Resources Commission Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 281,  
amended

- 41a. Where an agreement is made with a municipality for the provision of sewers under clause *d* of subsection 1 of section 16 or under section 39, the municipality may charge the owner of the premises for which a service drain is constructed the cost of construction of the service drain from the sewer to the line of the highway, together with interest thereon at a rate to be determined by the municipality, over such period of years as the municipality determines. Cost of construction  
of service  
drains

**19.** Subsection 5 of section 42 of *The Ontario Water Resources Commission Act* is repealed. R.S.O. 1960,  
c. 281, s. 42,  
subs. 5,  
repealed

**20.** Section 43 of *The Ontario Water Resources Commission Act*, as amended by section 12 of *The Ontario Water Resources Commission Amendment Act, 1961-62* and section 6 of *The Ontario Water Resources Commission Amendment Act, 1965*, is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 281,  
s. 43,  
amended

- (1a) Notwithstanding subsection 1, where a reserve account has been established in respect of a project, the Commission may, in respect of any other project for the same municipality, expend, use, apply, utilize and appropriate therefrom such amounts as in the opinion of the Commission may be sufficient therefor for any of the purposes mentioned in clauses *a*, *b* and *c* of subsection 1. When  
moneys  
may be  
expended  
in respect of  
another  
project

**21.**—(1) Subsection 1 of section 47 of *The Ontario Water Resources Commission Act*, as amended by section 14 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, subsection 1 of section 7 of *The Ontario Water Resources Commission Amendment Act, 1962-63*, subsection 1 of section 10 of *The Ontario Water Resources Commission Amendment Act, 1964* and section 11 of *The Ontario Water Resources Commission Amendment Act, 1966*, is further amended by adding thereto the following clauses: R.S.O. 1960,  
c. 281, s. 47,  
subs. 1,  
amended

- (da) prescribing the rate of interest for the purpose of paragraph 2 of subsection 1 of section 40;

. . . . .

- (fa) classifying persons who operate sewage works and requiring and providing for the licensing of sewage work operators or any class or classes thereof, and prescribing the qualifications of persons to whom licences may be issued, and prescribing and charging fees for such licences, and providing for the revocation and suspension of licences;

. . . . .

- (ga) specifying any matter or substance as sewage for the purposes of any section or sections of this Act or of any regulation made thereunder.

R.S.O. 1960,  
c. 281, s. 47,  
subs. 3,  
re-enacted

- (2) Subsection 3 of the said section 47 is repealed and the following substituted therefor:

Offence

- (3) Every municipality or person who contravenes any regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$1,000.

R.S.O. 1960,  
c. 281,  
s. 47b  
(1961-62,  
c. 99, s. 15),  
subs. 2,  
amended

- 22.** Subsection 2 of section 47b of *The Ontario Water Resources Commission Act*, as enacted by section 15 of *The Ontario Water Resources Commission Amendment Act, 1961-62*, is amended by inserting at the commencement thereof "Subject to section 52", so that the subsection shall read as follows:

Penalties  
R.S.O. 1960,  
c. 249

- (2) Subject to section 52, Part XXI of *The Municipal Act* applies *mutatis mutandis* to by-laws passed under this section.

R.S.O. 1960,  
c. 281, s. 51  
(1960-61,  
c. 71, s. 7),  
amended

- 23.** Section 51 of *The Ontario Water Resources Commission Act*, as enacted by section 7 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is amended by adding thereto the following subsection:

Application  
to certain  
sewage  
works

- (2) Subsection 1 does not apply in respect of any of such sewage works constructed under an agreement entered into after the 1st day of September, 1964.

R.S.O. 1960,  
c. 281, s. 52  
(1964, c. 86,  
s. 11),  
amended

- 24.** Section 52 of *The Ontario Water Resources Commission Act*, as enacted by section 11 of *The Ontario Water Resources Commission Amendment Act, 1964*, is amended by inserting

after

after "Act" in the second line "or of any by-law passed under clause *c* or *d* of subsection 1 of section 47*b*", so that the section shall read as follows:

52. Proceedings to enforce any provision of this Act or of any regulation made under this Act or of any by-law passed under clause *c* or *d* of subsection 1 of section 47*b* may be instituted within one year after the time when the subject-matter of the proceedings arose.
- Proceedings to enforce provisions of Act, regulations or by-laws

**25.** Section 53 of *The Ontario Water Resources Commission Act*, as enacted by section 11 of *The Ontario Water Resources Commission Amendment Act, 1964*, is amended by inserting after "Commission" in the first line "or an officer to whom power has been delegated by the Commission under section 8*a*" and by inserting after "Commission" in the second and third lines "or such officer", so that the section shall read as follows:

R.S.O. 1960, c. 281, s. 53 (1964, c. 86, s. 11), amended

53. Where the Commission or an officer to whom power has been delegated by the Commission under section 8*a* has authority to direct or require that any matter or thing be done, the Commission or such officer may direct that, in default of its being done by the municipality or person directed or required to do it, such matter or thing shall be done at the expense of such municipality or person, and the Commission may recover the expense incurred in doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Commission by such municipality or person.
- Enforcing performance of things required to be done by Commission

**26.** *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

R.S.O. 1960, c. 281, amended

58. Any amount due and payable by a municipality or a person to the Commission under any agreement or otherwise, together with all interest and expenses of debt service, if any, payable by the Commission to the Treasurer of Ontario with respect to such amount may be recovered with costs in a court of competent jurisdiction as a debt due to the Commission by the municipality or person.
- Recovery of moneys owing to Commission

**27.** This Act comes into force on the day it receives Royal Assent.

Commencement

**28.** This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1970*.

Short title



## CHAPTER 125

**An Act to amend  
The City of The Lakehead Act, 1968-69**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 9 of section 12 of *The City of The Lakehead Act, 1968-69* is repealed. 1968-69,  
c. 56, s. 12,  
subs. 9,  
repealed

**2.** Section 13 of *The City of The Lakehead Act, 1968-69* is repealed and the following substituted therefor: 1968-69,  
c. 56, s. 13,  
re-enacted

**13.—(1)** Notwithstanding section 12, the council of the City may by by-law passed before the adoption of the estimates in any year levy in each of the wards of the City, before the adoption of the estimates for the year, on the whole of the assessment for real property in the ward, according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the ward in the preceding year on residential real property of public school supporters. Levy  
before  
estimates  
adopted,  
on real  
property

**(2)** Where the council of the City has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 12, may by by-law passed before the adoption of the estimates in any year levy in each of the wards of the City, before the adoption of the estimates for the year, on the whole of the business assessment in the ward according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the ward in the preceding year on business assessment of public school supporters. on business  
assessment

Levy under  
section 12  
to be  
reduced

- (3) Where in any year a levy is made under this section, the amount required to be raised in that year by levy under section 12 shall be reduced by the amount to be raised by the levy under this section.

Application  
of R.S.O.  
1960, c. 249

- (4) The provisions of *The Municipal Act* with respect to the levy of the yearly rates and the collection of taxes apply *mutatis mutandis* to the levy of rates and collection of taxes under this section.

By-laws  
not to be  
passed  
under R.S.O.  
1960, c. 249,  
s. 294a

- (5) The council of the City shall not pass by-laws under section 294a of *The Municipal Act*.

1968-69,  
c. 56, s. 15,  
re-enacted

**3.** Section 15 of *The City of The Lakehead Act, 1968-69* is repealed and the following substituted therefor:

Rates under  
R.S.O. 1960,  
c. 368

- 15.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the wards of the City shall be deemed to be municipalities, and the council of the City shall be deemed to be the council of each ward.

Rates for  
public  
school pur-  
poses on  
commercial  
assessment  
R.S.O. 1960,  
c. 361

- (2) The amount required to be levied and collected by the City for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the wards of the City in the ratio that the total commercial assessment for public school purposes in each ward bears to the total commercial assessment for public school purposes in the City, both as equalized by the Department in accordance with subsection 2 of section 12.

Rates for  
public  
school pur-  
poses on  
residential  
assessment

- (3) The amount required to be levied and collected by the City for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the wards of the City in the ratio that the total residential assessment for public school purposes in each ward bears to the total residential assessment for public school purposes in the City, both as equalized by the Department in accordance with subsection 2 of section 12.

Rates for  
secondary  
school pur-  
poses on  
commercial  
assessment

- (4) The amount required to be levied and collected by the City for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the wards of the City in the ratio that the total commercial assessment for secondary school purposes in each ward bears to the total commercial assessment for

secondary school purposes in the City, both as equalized by the Department in accordance with subsection 2 of section 12.

- (5) The amount required to be levied and collected by the City for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the wards of the City in the ratio that the total residential assessment for secondary school purposes in each ward bears to the total residential assessment for secondary school purposes in the City, both as equalized by the Department in accordance with subsection 2 of section 12.

Rates for secondary school purposes on residential assessment  
R.S.O. 1960, c. 361

- (6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulations.

Regulations under  
R.S.O. 1960, c. 362  
to apply

**4.** *The City of The Lakehead Act, 1968-69* is amended by adding thereto the following section:

R.S.O. 1960, c. 56, amended

- 15a. Sections 12, 13 and 15 shall cease to apply on dates to be determined by order of the Minister.

Application of sections 12, 13 and 15

**5.** This Act comes into force on the day it receives Royal Assent.

Commencement

**6.** This Act may be cited as *The City of The Lakehead Amendment Act, 1970*.

Short title



## CHAPTER 126

## An Act to amend The Liquor Licence Act

*Assented to November 13th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *f* of section 1 of *The Liquor Licence Act*,<sup>R.S.O. 1960,  
c. 218, s. 1,  
cl. *f*,  
amended</sup> as amended by subsection 3 of section 1 of *The Liquor Licence Amendment Act, 1965*, is further amended by inserting after “inn” in the first line “resort”, so that the clause shall read as follows:

(*f*) “establishment” means a club, hotel, inn, resort, public house, tavern, military mess, restaurant, railway car, aircraft, theatre or steamship having premises that comply with the requirements of this Act and the regulations prescribing the qualifications of premises in respect of which licences may be issued.

(2) The said section 1 is amended by adding thereto the following clause:<sup>R.S.O. 1960,  
c. 218, s. 1,  
amended</sup>

(*ta*) “resort” means an establishment that has the special accommodation, facilities and equipment that are prescribed by the regulations where, in consideration of payment, food and lodging are furnished to the public and that operates on a seasonal basis as determined by the regulations.

**2.** Subsection 1 of section 21 of *The Liquor Licence Act*<sup>R.S.O. 1960  
c. 218, s. 21,  
subs. 1,  
amended</sup> is amended by adding thereto the following paragraph:

5a. Public house licence, for the sale and consumption of beer in premises to which both men and women are admitted, whether singly or escorted.

**3.**—(1) Subsection 1 of section 24 of *The Liquor Licence Act*, as amended by section 8 of *The Liquor Licence Amendment Act, 1965*, is further amended by adding thereto the following paragraph:<sup>R.S.O. 1960  
c. 218, s. 24,  
subs. 1,  
amended</sup>

6. Resorts having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which a licence is issued,

i. dining lounge licence,

ii. dining room licence.

R.S.O. 1960,  
c. 218, s. 24,  
amended

(2) The said section 24 is amended by adding thereto the following subsection:

Exception  
re resorts

(2a) Notwithstanding that an affirmative vote has not been taken therefor under section 72, the Board may issue a dining lounge licence or a dining room licence in respect of a resort.

R.S.O. 1960,  
c. 218, s. 72,  
subs. 1,  
amended

4.—(1) Subsection 1 of section 72 of *The Liquor Licence Act* is amended by adding thereto the following paragraph:

5a. Are you in favour of the sale of beer only under a public house licence for consumption on licensed premises to which both men and women may be admitted, whether singly or escorted?

Where  
public  
house  
licence  
may be  
issued  
without  
vote

(2) In municipalities where immediately before this section comes into force it is lawful to issue licences referred to in both paragraphs 4 and 5 of subsection 1 of section 21 of *The Liquor Licence Act*, it is lawful to issue the licence referred to in paragraph 5a thereof as enacted by this section notwithstanding that no affirmative vote has been taken thereon under section 72 of *The Liquor Licence Act* and subject to section 73 of that Act.

R.S.O. 1960,  
c. 218, s. 73,  
subs. 1,  
amended

5. Subsection 1 of section 73 of *The Liquor Licence Act* is amended by adding thereto the following paragraph:

5a. Are you in favour of the continuance of the sale of beer only under a public house licence for consumption on licensed premises to which both men and women are admitted, whether singly or escorted?

R.S.O. 1960,  
c. 218, s. 85,  
amended

6. Section 85 of *The Liquor Licence Act*, as amended by section 22 of *The Liquor Licence Amendment Act, 1965*, is further amended by adding thereto the following clause:

(ha) determining what is a seasonal basis in respect of the operation of a resort for the purposes of clause *ta* of section 1.

Commence-  
ment

7. This Act comes into force on the day it receives Royal Assent.

Short  
title

8. This Act may be cited as *The Liquor Licence Amendment Act, 1970*.

## CHAPTER 127

# An Act to amend The Territorial Division Act

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Territorial Division Act* is amended by striking out the first five lines, as amended by subsection 1 of section 1 of *The Territorial Division Amendment Act, 1968* and subsection 1 of section 1 of *The Territorial Division Amendment Act, 1968-69*, and substituting therefor the following:

R.S.O. 1960,  
c. 395, s. 1,  
amended

1. The territorial division of Ontario into counties and districts and metropolitan and regional areas shall continue as hereinafter set forth, and, subject to sections 4, 5, 5a and 5b, for municipal and judicial purposes such counties, and for judicial purposes such districts and metropolitan and regional areas, are respectively composed as follows:

Organiza-  
tion  
continued

(2) Clause *b* of paragraph 8 of the said section 1, as amended by subsection 1 of section 1 of *The Territorial Division Amendment Act, 1967*, is further amended by inserting after "Amherstburg" in the first line "Belle River", so that the clause shall read as follows:

R.S.O. 1960,  
c. 395, s. 1,  
par. 8, cl. b,  
amended

- (b) the towns of Amherstburg, Belle River, Essex, Harrow, Kingsville, Leamington, Tecumseh.

(3) Clause *d* of paragraph 8 of the said section 1 is amended by striking out "villages of Belle River" and inserting in lieu thereof "Village of", so that the clause shall read as follows:

R.S.O. 1960,  
c. 395, s. 1,  
par. 8, cl. d,  
amended

- (d) the Village of St. Clair Beach.

R.S.O. 1960,  
c. 395, s. 1,  
par. 9, cl. b,  
amended (4) Clause *b* of paragraph 9 of the said section 1 is amended by striking out "Horse Shoe" in the second column and inserting in lieu thereof "Horseshoe".

R.S.O. 1960,  
c. 395, s. 1,  
par. 12, cl. d,  
amended (5) Clause *d* of paragraph 12 of the said section 1 is amended by striking out "Saint Vincent" in the second column and inserting in lieu thereof "St. Vincent".

R.S.O. 1960,  
c. 395, s. 1,  
par. 15, cl. b,  
amended (6) Clause *b* of paragraph 15 of the said section 1 is amended by striking out "Desoronto" and inserting in lieu thereof "Deseronto".

R.S.O. 1960,  
c. 395, s. 1,  
par. 35, cl. a,  
re-enacted (7) Clause *a* of paragraph 35 of the said section 1 is repealed and the following substituted therefor:

(a) the cities of Barrie and Orillia.

R.S.O. 1960,  
c. 395, s. 1,  
par. 35, cl. b,  
amended (8) Clause *b* of paragraph 35 of the said section 1 is amended by striking out "Orillia" in the second line, so that the clause shall read as follows:

(b) the towns of Alliston, Bradford, Collingwood, Midland, Penetanguishene, Stayner.

R.S.O. 1960,  
c. 395, s. 1,  
amended (9) The said section 1 is further amended by adding thereto the following paragraph:

Toronto

36a.—THE MUNICIPALITY OF METROPOLITAN TORONTO consists of the municipalities from time to time included within the Metropolitan Area as defined in *The Municipality of Metropolitan Toronto Act*.

R.S.O. 1960,  
c. 260

R.S.O. 1960,  
c. 395, s. 1,  
par. 42,  
re-enacted (10) Paragraph 42 of the said section 1, as amended by subsection 10 of section 1 of *The Territorial Division Amendment Act, 1967*, is repealed and the following substituted therefor:

York

42.—THE REGIONAL MUNICIPALITY OF YORK consists of the municipalities from time to time included within the Regional Area as defined in *The Regional Municipality of York Act, 1970*.

1970, c. 50

R.S.O. 1960,  
c. 395, s. 1,  
par. 43, cl. b,  
amended (11) Clause *b* of paragraph 43 of the said section 1 is amended by striking out "Livingstone, Lawrence and Nightingale" in the second column and inserting in lieu thereof "and Livingstone".

R.S.O. 1960,  
c. 395, s. 1,  
par. 45, cl. a,  
amended (12) Clause *a* of paragraph 45 of the said section 1 is amended by striking out "Matheson" in the second line.

R.S.O. 1960,  
c. 395, s. 1,  
par. 48,  
re-enacted (13) Paragraph 48 of the said section 1 is repealed and the following substituted therefor:

- 48.—THE TERRITORIAL DISTRICT OF MUSKOKA consists of The District Municipality of Muskoka composed of the municipalities from time to time included within the District Area as defined in *The District Municipality of Muskoka Act, 1970*. Muskoka  
1970, c. 32

The District Municipality of Muskoka forms the Provisional Judicial District of Muskoka. Provisional  
Judicial  
District of  
Muskoka

- (14) Paragraph 49 of the said section 1 is amended by striking out "Finlayson" in the first column of clause *c*. R.S.O. 1960,  
c. 395, s. 1,  
par. 49,  
amended

- (15) Paragraph 49 of the said section 1 is further amended by inserting after "with" in the first line following clause *c* "that part of the geographic township of Finlayson not included in The District Municipality of Muskoka and", so that the first two lines following clause *c* shall read as follows: R.S.O. 1960,  
c. 395, s. 1,  
par. 49,  
amended

together with that part of the geographic township of Finlayson not included in The District Municipality of Muskoka and all the remaining territory included within the following limits:

. . . . .

- (16) Clause *b* of paragraph 52 of the said section 1 is amended by striking out "Chelmsford" in the first line. R.S.O. 1960,  
c. 395, s. 1,  
par. 52, cl. *b*,  
amended

- (17) Clause *c* of paragraph 52 of the said section 1, as amended by subsection 19 of section 1 of *The Territorial Division Amendment Act, 1964* and subsections 15 and 16 of section 1 of *The Territorial Division Amendment Act, 1967*, is further amended by inserting after "McGee" in the first column "McKim". R.S.O. 1960,  
c. 395, s. 1,  
par. 52, cl. *c*,  
amended

- (18) Clause *a* of paragraph 53 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 395, s. 2,  
par. 53, cl. *a*,  
re-enacted

(a) the City of Thunder Bay.

- 2.—(1) Clause *b* of paragraph 2 of section 2 of *The Territorial Division Act* is amended by striking out "Calvert" in the first column. R.S.O. 1960,  
c. 395, s. 2,  
par. 2, cl. *b*,  
amended

- (2) Clause *b* of paragraph 2 of the said section 2 is further amended by striking out "Black River" in the third column and inserting at the commencement of the first column "Black River-Matheson". R.S.O. 1960,  
c. 395, s. 2,  
par. 2, cl. *b*,  
amended

R.S.O. 1960,  
c. 395, s. 2,  
par. 3, cl. a,  
amended

(3) Clause *a* of paragraph 3 of the said section 2, as amended by subsection 2 of section 2 of *The Territorial Division Amendment Act, 1964*, is further amended by inserting after "Barclay" in the amendment of 1964 "Ear Falls", so that the clause shall read as follows:

(a) the improvement districts of Balmertown, Barclay, Ear Falls, Sioux Narrows.

R.S.O. 1960,  
c. 395, s. 2,  
par. 4,  
amended

(4) Paragraph 4 of the said section 2 is amended by striking out "Billings and part of Allan" in the first column and inserting in lieu thereof "Billings" and by striking out "Gordon and part of Allan" in the second column and inserting in lieu thereof "Gordon".

R.S.O. 1960,  
c. 395, s. 2,  
par. 5,  
repealed

(5) Paragraph 5 of the said section 2 is repealed.

R.S.O. 1960,  
c. 395, s. 2,  
par. 6, cl. a,  
re-enacted

(6) Clause *a* of paragraph 6 of the said section 2 is repealed and the following substituted therefor:

(a) the improvement districts of Cameron and Temagami.

R.S.O. 1960,  
c. 395, s. 2,  
par. 6, cl. b,  
amended

(7) Clause *b* of paragraph 6 of the said section 2, as amended by subsection 3 of section 2 of *The Territorial Division Amendment Act, 1964*, is further amended by striking out "West Ferris" and "Widdifield" in the third column.

R.S.O. 1960,  
c. 395, s. 2,  
par. 8, cl. b,  
amended

(8) Clause *b* of paragraph 8 of the said section 2, as amended by subsection 3 of section 2 of *The Territorial Division Amendment Act, 1968*, is further amended by striking out "Lavallee" in the second column and inserting in lieu thereof "La Vallee".

R.S.O. 1960,  
c. 395, s. 2,  
par. 9, cl. b,  
amended

(9) Clause *b* of paragraph 9 of the said section 2 is amended by striking out "Bleazard" and "Capreol" in the first column, "Hanmer" in the second column and by inserting after "Salter, May and Harrow" in the third column "Valley East".

R.S.O. 1960,  
c. 395, s. 2,  
par. 10, cl. a,  
amended

(10) Clause *a* of paragraph 10 of the said section 2, as amended by subsection 4 of section 2 of *The Territorial Division Amendment Act, 1964*, is further amended by striking out "Dorion" in the first line and by striking out "Marathon" in the second line, so that the clause shall read as follows:

(a) the improvement districts of Beardmore, Manitouwadge, Nakina, Red Rock.

(11) Clause *b* of paragraph 10 of the said section 2 as, <sup>R.S.O. 1960,  
c. 395, s. 2,  
par. 10, cl. b,  
amended</sup> amended by subsection 5 of section 2 of *The Territorial Division Amendment Act, 1964*, is further amended by inserting after "Conmee" in the first column "Dorion" and after "Longlac" in the amendment of 1964 "Marathon".

**3.** *The Territorial Division Act* is amended by adding <sup>R.S.O. 1960,  
c. 395,  
amended</sup> thereto the following section:

5*b*. For judicial purposes, The Municipality of Metropolitan Toronto and The Regional Municipality <sup>Judicial  
District of  
York</sup> of York are combined to form the Judicial District of York.

**4.**—(1) This Act, except subsections 1, 9, 10, 13, 14 and 15 <sup>Commence-  
ment</sup> of section 1, subsections 1 and 5 of section 2 and section 3, comes into force on the day it receives Royal Assent.

(2) Subsections 1, 9, 10, 13, 14 and 15 of section 1, sub-<sup>Idem</sup> sections 1 and 5 of section 2 and section 3 come into force on the 1st day of January, 1971.

**5.** This Act may be cited as *The Territorial Division* <sup>Short title</sup> *Amendment Act, 1970*.



## CHAPTER 128

**An Act to amend  
The Municipal Franchises Act**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 7 of *The Municipal Franchises Act*, as amended <sup>R.S.O. 1960, c. 255, s. 7, amended</sup> by section 2 of *The Municipal Franchises Amendment Act, 1966*, is further amended by adding thereto the following subsection:

- (2) Notwithstanding subsection 1, clause *d* of subsection <sup>Idem</sup> 1 of section 6 applies to a subsequent by-law or by-laws in respect of the same works or any part of them or to an extension of or addition to them if the period of operation of such subsequent by-law or by-laws is expressly limited so that the total period of operation of the original by-law and the subsequent by-law or by-laws does not exceed three years.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Municipal Franchises* <sup>Short title</sup> *Amendment Act, 1970*.



## CHAPTER 129

# An Act to amend The Loan and Trust Corporations Act

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Loan and Trust Corporations Act*, as re-enacted by section 1 of *The Loan and Trust Corporations Amendment Act, 1967*, is amended by adding at the end thereof “and includes a partnership of which the members are accountants”, so that the clause shall read as follows:

(a) “accountant” means a person who is a member of The Canadian Institute of Chartered Accountants or any other person who is an accountant and who, in either case, is acceptable to the Registrar as being competent to audit the accounts and transactions of corporations under this Act, and includes a partnership of which the members are accountants.

(2) Clause *c* of the said section 1 is repealed and the following substituted therefor:

(c) “corporation” means a loan corporation or a trust company.

(3) Clauses *h* and *i* of the said section 1 are repealed and the following substituted therefor:

(h) “loan corporation” means an incorporated company, association or society, constituted, authorized or operated for the purpose of lending money on the security of real estate or investing money in mortgages, charges or hypothecs upon real estate or for those and any other purposes, but does not include a chartered bank, an insurance corporation, a trust company, or an investment company registered under *The Investment Contracts Act*.

R.S.O. 1960,  
c. 222, s. 1,  
cls. *l*, *m*,  
repealed

(4) Clauses *l* and *m* of the said section 1 are repealed.

R.S.O. 1960,  
c. 222, s. 1,  
amended

(5) The said section 1 is amended by adding thereto the following clause:

(*na*) "provincial trust company" means a trust company that is a provincial corporation.

R.S.O. 1960,  
c. 222, s. 3,  
subs. 1,  
amended

**2.** Subsection 1 of section 3 of *The Loan and Trust Corporations Act* is amended by striking out "a loaning land corporation" in the second line, so that the subsection shall read as follows:

Application  
for  
incorpora-  
tion

(1) An application for the incorporation of a loan corporation or a trust company shall be made by petition to the Lieutenant Governor in Council through the Minister in the prescribed form, and shall be delivered to the Registrar.

R.S.O. 1960,  
c. 222, s. 4,  
subs. 2, cl. *c*,  
re-enacted

**3.**—(1) Clause *c* of subsection 2 of section 4 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

(*c*) state the capital of the corporation, the classes, if any, into which it is to be divided, the number of shares of each class and the par value of each share, and where more than one class of shares is provided for, one class shall be common shares designated as such, and the other class or classes shall be preference shares designated as such;

(*ca*) in the case of preference shares, provide for the preferences, rights, conditions, restrictions, limitations or prohibitions attaching thereto including, without limiting the nature thereof, the right of the corporation to purchase for cancellation or at its option to redeem all or part of the preference shares of any class, or provide for conditions, restrictions, limitations or prohibitions on the right to vote.

R.S.O. 1960,  
c. 222, s. 4,  
subs. 2, cl. *d*,  
amended

(2) Clause *d* of subsection 2 of the said section 4 is amended by striking out "or a loaning land" in the first line and by striking out "and loaning land corporations" in the fourth and fifth lines, so that the clause shall read as follows:

(*d*) in the case of a loan corporation, define and regulate the exercise of such general powers of borrowing as are by this Act conferred upon loan corporations, and declare within what limits such borrowing powers are to be exercised, and whether by issuing debentures or otherwise.

(3) Clause *e* of subsection 2 of the said section 4 is amended by striking out "ordinary and special" in the first and second lines, so that the clause shall read as follows:

R.S.O. 1960,  
c. 222, s. 4,  
subs. 2, cl. *e*,  
amended

(*e*) provide for the holding of general meetings of the shareholders.

(4) Subsection 2 of the said section 4 is amended by inserting "and" at the end of clause *g*, by striking out "and" at the end of clause *h* and by striking out clause *i*.

R.S.O. 1960,  
c. 222, s. 4,  
subs. 2, at  
amended

4. Section 9 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 222, s. 9,  
re-enacted

9.—(1) No share shall be issued on or after the 30th day of June, 1970, until it is fully paid and a share is not fully paid until all consideration therefor has been received by the corporation.

Fully paid  
shares

(2) No shares of any class shall be issued at a discount or upon any terms, agreement or understanding that the holder thereof is liable for any lesser amount than the par value thereof.

No issue  
of shares  
at discount

(3) No transfer of shares shall be made that has the effect of reducing the number of shareholders to less than twenty-five.

No transfer  
to reduce  
number of  
shareholders  
to less  
than 25

5. Subsection 1 of section 13 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 222, s. 13,  
subs. 1,  
re-enacted

(1) If a corporation does not go into actual *bona fide* operation and becomes registered under this Act within two years after incorporation or if it does not use its corporate powers for the purposes set forth in its letters patent, the Act or instrument of incorporation, or is not registered under this Act during a period of two consecutive years, its corporate powers, except so far as is necessary for winding up the corporation, shall thereupon cease and determine.

Termination  
of  
corporate  
powers  
where  
non-user

6. Section 14 of *The Loan and Trust Corporations Act* is repealed.

R.S.O. 1960,  
c. 222, s. 14,  
repealed

7. Section 18 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 222,  
s. 18,  
re-enacted

18.—(1) A loan corporation may apply by petition to the Lieutenant Governor in Council for an order

Application  
by loan  
corporation  
for power to  
act as agent

authorizing

authorizing the corporation to act generally as agent for the transaction of business, the collection of loans, rents, interest, dividends, mortgages and other securities for money, as a depository for the safe-keeping of securities and personal property and to carry on the business of a mortgage or real estate broker.

Application  
authorized  
by resolution

- (2) An application under subsection 1 shall be authorized by a resolution of the directors.

Amendment  
of  
registration

- (3) Upon the making of an order under subsection 1, the Registrar shall amend the registration of the corporation kept under clause *a* of subsection 1 of section 111 and subsection 1 of section 121.

R.S.O. 1960,  
ss. 20-23,  
re-enacted

8. Sections 20, 21, 22 and 23 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

Annual  
meeting

- 20.—(1) A corporation shall hold an annual meeting of shareholders at the head office of the corporation or elsewhere in Ontario at least once in each year for the purposes of considering the financial statement of the corporation required to be laid before the meeting by section 69, the election of directors, the appointment of auditors and the transaction of such other business as is permitted or required by law or by the by-laws of the corporation.

Notice

- (2) Notice of the time and place of the annual meeting shall be given to each person who on the record date for notice appears on the records of the corporation as a shareholder by delivering or sending the notice by mail to his latest address as shown on the records of the corporation at least ten days before the date of the meeting.

General  
meetings

- 21.—(1) The directors of a corporation may at any time by resolution call a general meeting of the shareholders for the transaction of any business specified in the resolution.

Requisition  
by  
shareholders

- (2) Shareholders holding not less than 10 per cent of the issued shares of a corporation carrying the right to vote at the meeting may request the directors to call a general meeting of the shareholders for any purpose that is connected with the affairs of the corporation and that is not inconsistent with this Act.

- (3) The requisition shall state the general nature of the business to be presented at the meeting and shall be signed by the requisitionists and deposited at the head office of the corporation, and may consist of several documents in like form signed by one or more requisitionists. Form of requisition
- (4) Upon deposit of the requisition, the directors shall call forthwith a general meeting of the shareholders for the transaction of the business stated in the requisition. Directors to call general meeting
- (5) Notice of any general meeting of the shareholders shall be given in the manner provided in subsection 2 of section 20. Notice
- (6) No business other than that specified in the notice thereof shall be transacted at a general meeting unless all the shareholders are present in person or are represented by proxy and unanimously consent thereto. Other business
22. Every director or officer of a corporation wilfully neglecting or omitting to give or cause to be given the notice for any general meeting required by section 21 is guilty of an offence. Offence
- 23.—(1) The by-laws may provide for the fixing in advance of a date as the record date, Record dates
- (a) for the determination of the shareholders entitled to notice of meetings of the shareholders, which record date for notice shall not be more than fifty days before the date of the meeting and not fewer than the minimum number of days for notice of the meeting and where no such record date for notice is fixed by by-law, the record date for notice shall be at the close of business on the day next preceding the day on which notice is given or sent; and
- (b) for the determination of the shareholders entitled to vote at meetings of the shareholders, which record date for voting shall be not more than forty-eight hours, excluding Saturdays and holidays, before the date of the meeting and, where no such record date for voting is fixed by by-law, the record date for voting shall be at the time of the taking of the vote.

Voting  
rights

23a. The holder of each common share and, subject to clause *ca* of subsection 2 of section 4, the holder of each preference share who, on the record date for voting appears on the records of the corporation as a shareholder is entitled to one vote for each share held by him, upon which he is not in arrear in respect of any call, at all meetings of shareholders of the corporation.

R.S.O. 1960,  
c. 222, s. 25,  
amended

**9.** Section 25 of *The Loan and Trust Corporations Act* is amended by striking out "annual and special" in the first line, so that the subsection shall read as follows:

Minute  
Book

25. The transactions of all general meetings of the corporation and of all meetings of the board of directors shall be entered in a book known as the "Minute Book" of the corporation.

R.S.O. 1960,  
c. 222, s. 34,  
subss. 3, 4,  
re-enacted

**10.** Subsections 3 and 4 of section 34 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

Retirement  
age

(3) On and after the 1st day of January, 1972, no person is qualified for appointment or election as a director if he has attained the age of seventy-five years.

Majority  
to be  
Canadian  
citizens and  
residents

(4) The majority of the directors shall at all times be Canadian citizens ordinarily resident in Canada.

New election  
to fill  
director-  
ships in  
such case

(4a) Where more than the permitted number of non-residents and aliens are elected, a new election shall be held forthwith to fill all the directorships to which non-residents or aliens have been elected, and so on until the number of non-residents and aliens elected is reduced to or below the permitted number.

R.S.O. 1960,  
c. 222, s. 49  
(1961-62,  
c. 74, s. 2),  
amended

**11.** Section 49 of *The Loan and Trust Corporations Act*, as re-enacted by section 2 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "stock" in the first line, so that the section shall read as follows:

Par value  
of shares

49. The par value of a share of capital shall be \$1 or any multiple thereof not exceeding \$100.

R.S.O. 1960,  
c. 222, s. 58,  
re-enacted

**12.** Section 58 of *The Loan and Trust Corporations Act*, as amended by section 1 of *The Loan and Trust Corporations Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Increase or  
decrease of  
capital

58.—(1) The directors of a corporation may by by-law provide for the increase or decrease of its capital.

- (2) The by-law shall state the number, class and par value of the shares by which the capital is so increased or decreased. Contents of by-law
- (3) The directors may by by-law provide upon terms therein stated for the conversion of partly paid up shares into paid up shares or for subdividing shares or altering the par value of shares. Conversion of partly paid up shares
- (4) The liability of shareholders to persons who, at the time the capital is increased or decreased or shares are converted or altered, are creditors of the corporation remains as though the capital had not been increased or decreased or the shares had not been converted or altered. Rights of creditors preserved
- (5) Where a by-law under this section would have the effect of increasing or decreasing the capital of a corporation or altering the liability of any shareholder thereof, a copy of the proposed by-law shall be delivered to the Registrar and no such by-law shall be passed for at least one month thereafter. Copy to Registrar
- (6) No by-law under this section has any force or effect until it has been submitted to a general meeting of the shareholders of the corporation duly called for that purpose at which the holders of at least 50 per cent of the issued shares of the corporation for the time being carrying voting rights are present in person or represented by proxy and is confirmed thereat, with or without variation, by a resolution passed by the affirmative votes of the holders of at least two-thirds of the shares represented at the meeting, and has thereafter been confirmed by order of the Lieutenant Governor in Council. Confirmation of by-law by shareholders and by order in council
- (7) Notice of such general meeting of the shareholders shall be given as provided in subsection 2 of section 20 and such additional notice as the Registrar may direct. Notice to shareholders
- (8) The Lieutenant Governor in Council may grant his confirmation, required by subsection 6, if he is satisfied of the *bona fide* character of the changes provided for in the by-law, unless it appears that the confirmation of the by-law would not be in the public interest. When confirmation may be granted
- (9) With the consent of the corporation, evidenced by a resolution of the directors, the changes provided for Varying by-law on confirmation

in any by-law under this section may be varied or amended by the confirming order in council, and may be made subject to such conditions as the Lieutenant Governor in Council considers proper.

Evidence  
of con-  
firmation

- (10) A copy of the order in council confirming a by-law under this section, certified by the Clerk of the Executive Council, shall be received in evidence as *prima facie* proof of the confirmation.

Effective  
date of  
by-law

- (11) A by-law under this section becomes effective on the date specified in the confirming order in council.

R.S.O. 1960,  
c. 222, s. 61,  
repealed

**13.** Section 61 of *The Loan and Trust Corporations Act* is repealed.

R.S.O. 1960,  
c. 222, s. 62,  
amended

**14.** Section 62 of *The Loan and Trust Corporations Act* is amended by striking out "and subsections 5 to 8 of section 59 apply to the books prescribed by section 61" in the second and third lines, so that the section shall read as follows:

Application  
of s. 59,  
subss. 6-8

62. Subsections 6 to 8 of section 59 apply to the registers prescribed by section 60.

R.S.O. 1960,  
c. 222,  
ss. 66-69,  
re-enacted

**15.** Sections 66, 67, 68 and 69 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

Auditors

- 66.—(1) The shareholders of a corporation at their first general meeting shall appoint one or more auditors to hold office until the close of the first annual meeting and, if the shareholders fail to do so, the directors shall forthwith make such appointment or appointments.

Appointment  
annually

- (2) The shareholders shall at each annual meeting appoint one or more auditors to hold office until the close of the next annual meeting and, if an appointment is not so made, the auditor in office continues in the office until a successor is appointed.

Casual  
vacancy

- (3) The directors may fill any casual vacancy in the office of auditor, but, while such vacancy continues, the surviving or continuing auditor, if any, may act.

Removal  
of auditor

- (4) The shareholders may, by resolution passed by a majority of the votes cast at a general meeting duly called for the purpose, remove an auditor before the expiration of his term of office, and shall by a majority

of the votes cast at that meeting appoint another auditor in his stead for the remainder of his term.

- (5) Before calling a general meeting for the purpose specified in subsection 4, the corporation shall, fifteen days or more before the mailing of the notice of the meeting, give to the auditor, <sup>Notice to auditor</sup>
- (a) written notice of the intention to call the meeting, specifying therein the date on which the notice of the meeting is proposed to be mailed; and
  - (b) a copy of all material proposed to be sent to shareholders in connection with the meeting.
- (6) The auditor has the right to make to the corporation, <sup>Right of auditor to make representations</sup> three days or more before the mailing of the notice of the meeting, representations in writing concerning his proposed removal as auditor, and the corporation, at its expense, shall forward with the notice of the meeting a copy of such representations to each shareholder entitled to receive notice of the meeting.
- (7) The remuneration of an auditor appointed by the shareholders shall be fixed by the shareholders, or by the directors if they are authorized so to do by the shareholders, and the remuneration of an auditor appointed by the directors shall be fixed by the directors. <sup>Remuneration</sup>
- (8) If for any reason no auditor is appointed, the Registrar may appoint one or more auditors to hold office until the close of the next annual meeting and fix the remuneration to be paid by the corporation for his or their services. <sup>Appointment by Registrar</sup>
- (9) The corporation shall give notice in writing to an auditor of his appointment forthwith after the appointment is made. <sup>Notice of appointment</sup>
- (10) A person, other than an incumbent auditor, may not be appointed auditor at an annual meeting unless notice of an intention to nominate that person to the office of auditor has been given by a shareholder to the corporation not less than fifteen days before the meeting at which the auditor is to be appointed and where such notice is given the corporation shall send a copy of the notice to the incumbent auditor and <sup>Notice to auditor of proposal to appoint another</sup>

to the person whom it is intended to nominate and shall give notice thereof to the shareholders in the manner specified in section 20.

Right of  
incumbent  
auditor to  
make rep-  
resentations

- (11) The incumbent auditor has the right to make to the corporation, three days or more before the mailing of the notice of the meeting, representations in writing concerning the proposal not to reappoint him as auditor, and the corporation, at its expense, shall forward with the notice of the meeting a copy of such representations to each shareholder entitled to receive notice of the meeting.

Inter-  
pretation

67.—(1) In this section, “related person” means,

- (a) any spouse, son or daughter of that person;
- (b) any relative of such person or of his spouse, other than a relative referred to in clause *a*, who has the same home as such person; or
- (c) any body corporate of which such person and any of the persons referred to in clause *a* or *b* or the partner or employer of such person, either alone or in combination, beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of the body corporate for the time being outstanding.

Who may  
be auditor

- (2) An auditor of a registered corporation shall be an accountant.

Persons  
disqualified  
as auditors

- (3) No person shall be appointed auditor of a registered corporation if he or any member of his firm is a shareholder, director, officer or employee of such corporation, or of any company in which such corporation has invested its funds under section 138*a* or 140*a*.

Auditor  
appoint-  
ment

- (4) A registered corporation shall, where possible, cause its auditor or one of its auditors to be appointed auditor of any company in which such corporation has invested its funds under section 138*a* or 140*a* and where such appointment is not possible the corporation shall inform the Registrar of the circumstances that prevent such appointment.

Applica-  
tion of  
subs. 3

- (5) Subsection 3 does not apply to a person, partner, employer or related person who is not empowered to

decide

decide whether securities of the registered corporation or its holding company, as the case may be, are to be beneficially owned, directly or indirectly, by him, or if he is not entitled to vote in respect thereof.

- (6) Where, on the date this section comes into force, an auditor or his partner, employer or related person owns securities as set out in subsection 3, notwithstanding subsection 3, he may for a period of two years from the date this section comes into force continue to act as auditor if he discloses in the report required under subsection 2 of section 68 that he or his partner, employer or related person so owns such securities but, at the expiration of such period he shall cease to act as auditor unless he or his partner, employer or related person, as the case may be, has disposed of such securities. <sup>Idem</sup>
- (7) No person shall be appointed a receiver or a receiver and manager or liquidator of any registered corporation of which he or a related person is the auditor or has been auditor within the two years preceding his appointment as receiver or receiver and manager or liquidator. <sup>Auditors not to be appointed receivers, etc.</sup>
- (8) No person who is appointed a trustee of the estate of a registered corporation under the *Bankruptcy Act* (Canada) or a related person shall be appointed or act as auditor of the registered corporation. <sup>Trustee in bankruptcy not to be appointed auditor R.S.C. 1952, c. 14</sup>
- 68.—(1) The auditor shall make such examination as will enable him to make the reports required under subsection 2. <sup>Auditor's examination</sup>
- (2) The auditor of a registered corporation shall make reports, <sup>Auditor's reports</sup>
- (a) to the shareholders on the financial statement of the corporation referred to in sections 20 and 69; and
  - (b) to the Registrar on the annual statement filed with the Registrar under section 152.
- (3) In the reports required by subsection 2, the auditor shall state, <sup>Idem</sup>
- (a) whether he has obtained all the information and explanations he has required;

(b)

(b) whether in the opinion of the auditor the financial statement presents fairly the financial position of the corporation as at the date of the balance sheet included therein and the results of the operations of the corporation for the financial period ended on that date; and

(c) whether the financial statements are in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period, if any,

in accordance with the information he has obtained and the explanations given to him and as shown by the books of the corporation.

**Qualified  
report**

(4) When the opinion expressed in a statement under subsection 2 is not an unqualified opinion, the auditor shall state in his report the reasons therefor.

**Facts  
discovered  
after  
statement**

(5) Where facts come to the attention of the officers or directors which, if known prior to the date of the last annual general meeting of shareholders, would have required a material adjustment to the financial statement presented to such meeting, the officers or directors shall communicate such facts to the auditor who reported to the shareholders under this section and the directors shall forthwith amend the financial statement and send it to the auditor.

**Amendment  
of auditor's  
report**

(6) On the receipt of facts furnished under subsection 5 or from any other source, the auditor shall, if in his opinion it is necessary, amend his report in respect of the financial statement in accordance with subsection 4 and the directors or, if they fail to do so within a reasonable time, the auditor shall mail such amended report to the shareholders.

**Auditor's  
statement**

(7) The auditor in his reports shall make such statements as he considers necessary,

(a) if the corporation's financial statement or annual statement is not in agreement with its accounting records;

(b) if the corporation's financial statement or annual statement is not in accordance with

any requirements of this Act or as prescribed by the Registrar; or

(c) if proper accounting records have not been kept so far as appears from his examination.

- (8) The auditor of a corporation has right of access at all times to all records, documents, accounts and vouchers of the corporation and is entitled to require from the directors, officers and employees of the corporation such information and explanations as in his opinion are necessary to enable him to report as required by subsection 2. Right of access, etc.
- (9) The auditor of a corporation has right of access at all times to all records, documents, accounts and vouchers of all subsidiaries of the corporation and is entitled to require from the directors, officers and employees of each such subsidiary such information and explanations as in his opinion are necessary to enable him to report as required by subsection 2. Idem
- (10) Where a subsidiary of the corporation is a body corporate to which this Act does not apply, the holding corporation shall make available to its auditor the records, documents, accounts and vouchers of that subsidiary, and shall require the directors, officers and employees of that subsidiary to make available to its auditor the information and explanations required by subsection 8. Idem
- (11) The auditor of a corporation is entitled to attend any meeting of the shareholders of the corporation, to receive all notices and other communications relating to any such meeting that a shareholder is entitled to receive and to be heard at any such meeting that he attends on any part of the business that concerns him as auditor. Auditor's right to attend meetings
- (12) Any shareholder of a corporation, whether or not he is entitled to vote at meetings of shareholders, may, by notice in writing to the corporation given five days or more before any meeting of shareholders, require the attendance of the auditor at such meeting at the corporation's expense, and in such event the auditor shall attend the meeting. Shareholder may require auditor's attendance at shareholders' meetings
- (13) At any meeting of shareholders the auditor, if present, shall answer inquiries directed to him concerning the Auditor may attend shareholders' meetings

basis upon which he formed the opinion stated in the report made under subsection 2.

Registrar  
may  
enlarge  
scope

- (14) The Registrar may direct that the scope of the annual audit of a corporation be enlarged or extended and may appoint for such purpose an accountant as an auditor of the corporation and the expenses incurred by reason of such appointment are payable by the corporation.

Annual  
financial  
statement

- 69.—(1) The directors shall lay before each annual meeting of shareholders,

(a) a financial statement for the period that commenced on the date of incorporation and ended not more than six months before the annual meeting or, if the corporation has completed a financial year, that commenced immediately after the end of the last completed financial year and ended not more than six months before the annual meeting, as the case may be, made up of,

- (i) a statement of profit and loss for such period,
- (ii) a statement of retained earnings, or surplus for such period,
- (iii) a statement of general reserve,
- (iv) a statement of accumulated reserves for investments,
- (v) a balance sheet as at the end of such period,

and if the Registrar so directs, showing in each case the corresponding figures for the last preceding financial period of the corporation;

- (b) the report of the auditor to the shareholders;
- (c) such further information respecting the financial position of the corporation, as its letters patent, supplementary letters patent, or by-laws, require.

Form

- (2) The Lieutenant Governor in Council may make regulations prescribing the form and content of the financial statement required under subsection 1.

- (3) The report of the auditor to the shareholders shall be read at the annual meeting and shall be open to inspection at the meeting by any shareholder. Auditor's report to be read
- (4) The financial statement shall be approved by the board of directors and the approval shall be evidenced by the signature at the foot of the balance sheet by two of the directors duly authorized to sign and the auditor's report shall be attached to or accompany the financial statement. Approval by directors
- (5) A corporation shall, at least ten days before the date of the annual meeting of the shareholders, send by prepaid mail to each shareholder entitled to notice of the meeting at his latest address shown on the records of the corporation a copy of the financial statement and a copy of the auditor's report. Copy to shareholders
- (6) A copy of the financial statement and auditor's report shall be mailed or delivered without charge to any holder of a debenture or guaranteed investment certificate of the corporation or to any depositor of the corporation who requests the same. Copy to debenture holders

**16.** Section 70 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 70, re-enacted

70. Sections 71 to 76 apply to every loan corporation incorporated under the law of Ontario or having its head office in Ontario and also to every loan corporation borrowing in Ontario by taking deposits or issuing debentures or like obligations. Application of ss. 71-76
- 70a.—(1) The directors of a corporation shall elect annually from among their number a committee to be known as the audit committee to be composed of not fewer than three directors, of whom the majority shall not be officers or employees of the corporation or an affiliate of the corporation, to hold office until the next annual meeting of the shareholders. Audit committee
- (2) The members of the audit committee shall elect a chairman from among their number. Chairman
- (3) The corporation shall submit the financial statement to the audit committee for its review and the financial statement shall thereafter be submitted to the board of directors. Review

Hearing of  
auditor

- (4) The auditor has the right to appear before and be heard at any meeting of the audit committee and shall appear before the audit committee when required to do so by the committee.

Idem

- (5) Upon the request of the auditor, the chairman of the audit committee shall convene a meeting of the committee to consider any matter the auditor believes should be brought to the attention of the directors or shareholders.

R.S.O. 1960,  
c. 222, s. 71,  
re-enacted

**17.**—(1) Section 71 of *The Loan and Trust Corporations Act*, as amended by section 5 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor:

Amount of  
capital  
subscribed  
and paid in  
before  
borrowing

- 71.—(1) No loan corporation shall exercise any of the borrowing powers conferred by this Act unless and until it has a capital paid in and unimpaired of at least \$1,000,000.

Borrowing  
powers

- (2) Subject to the qualifications, limitations and restrictions contained in this Act, a registered loan corporation, if authorized by by-law, may,

(a) borrow money by way of loan or on deposit at such rates of interest and upon such terms as the directors may from time to time determine;

(b) issue debentures, bonds and other securities to evidence any such borrowing; and

(c) charge, mortgage, hypothecate or pledge all or any of the real or personal property of the corporation present or future, including book debts and unpaid calls, rights, powers, franchises and undertaking, to secure any such debentures, bonds or other securities or any money borrowed.

Confirming  
by-law

- (3) No by-law for any of the purposes mentioned in subsection 2 takes effect unless such by-law,

(a) has been passed by the affirmative vote of the holders of two-thirds of the shares for the time being carrying voting rights and present or represented by proxy at a general meeting of the shareholders of the corporation duly called to consider such by-law; or

(b)

- (b) has been passed by the directors and confirmed at a general meeting of the shareholders of the corporation duly called to consider such by-law by resolution passed by the affirmative vote of the holders of at least two-thirds of the shares for the time being carrying voting rights present or represented by proxy at such meeting.

(2) Subsection 1 does not apply to a loan corporation that was registered before the 1st day of January, 1968. Application of subs. 1

**18.** Sections 72 and 73 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 222, ss. 72, 73, re-enacted

72. Subject to the terms and conditions of any charge, mortgage, hypothec or pledge given by a registered loan corporation to secure any particular borrowing, the holders of deposits and the holders of debentures, bonds or other securities rank *pari passu* on the assets of such corporation and are ordinary creditors thereof. Ranking of holders of deposits and debentures

73. Debentures, bonds or other securities of a registered loan corporation shall, Denomination and term of debentures

(a) be for such individual amounts not less than \$100;

(b) be payable in such currency and at such place;

(c) mature on such date not less than one year from the date of issue thereof;

(d) bear such rate of interest; and

(e) in all other respects be in such form and terms,

as the directors of the corporation shall from time to time determine.

**19.**—(1) Clauses *a*, *b* and *c* of subsection 1 of section 74 of *The Loan and Trust Corporations Act*, as re-enacted by section 6 of *The Loan and Trust Corporations Amendment Act, 1966*, and amended by subsections 1 and 2 of section 3 of *The Loan and Trust Corporations Amendment Act, 1968*, are repealed and the following substituted therefor: R.S.O. 1960, c. 222, s. 74 (1966, c. 81, s. 6), subs. 1, cls a, b, c, re-enacted

(a)

- (a) cash on hand or on deposit in a chartered bank or other depository approved by the Registrar;
- (b) unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada or of or guaranteed by any province of Canada;
- (c) loans payable on demand and fully secured by securities referred to in clause *b*; and

. . . . .

R.S.O. 1960,  
c. 222,  
s. 74  
(1966, c. 81,  
s. 6),  
subs. 2,  
cls. *a*, *b*,  
re-enacted

(2) Clauses *a* and *b* of subsection 2 of the said section 74 are repealed and the following substituted therefor:

- (a) at least 25 per cent shall be maintained in cash on hand or on deposit in a chartered bank or other depository approved by the Registrar and in unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada, maturing in three years or less; and
- (b) at least 50 per cent shall be maintained in cash on hand or on deposit in a chartered bank or other depository approved by the Registrar and in unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada, maturing in ten years or less.

R.S.O. 1960,  
c. 222,  
s. 75,  
re-enacted

**20.** Section 75 of *The Loan and Trust Corporations Act*, as amended by section 1 of *The Loan and Trust Corporations Amendment Act, 1965*, is repealed and the following substituted therefor:

Limit on  
borrowing

75. The total amount borrowed by a registered loan corporation, by way of the issue of debentures, bonds or other securities and by way of deposits shall not at any time exceed an amount equal to four times the aggregate of its unimpaired capital and reserve, but the Lieutenant Governor in Council may, on the report of the Registrar and on such terms and conditions as are prescribed in the order in council,

- (a) increase the total amount that may be borrowed by such corporation to an amount not exceeding twenty times the aggregate of such unimpaired capital and reserve; and

(b)

- (b) prescribe the portion of the total amount that may be borrowed by such corporation that may be borrowed by way of deposits.

**21.** *The Loan and Trust Corporations Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 222,  
amended

- 78a.—(1) In this section, “pooled trust fund” means a Pooled trust  
fund defined  
trust fund maintained or operated by a trust company in which moneys belonging to various participants are combined for the purpose of investment and entitling the participant to receive on demand, or after a specified period after demand, an amount computed by reference to the value of a proportionate interest in the assets of such trust fund, but does not include a trust fund operated where participation is limited to less than fifty persons.
- (2) The assets of a pooled trust fund shall be held and Trust  
document  
managed in trust under a trust document for the purpose that complies with the regulations made under subsection 8.
- (3) No trust company shall offer to any person units or Filing of  
trust  
document  
other interests in a pooled trust fund until there has been filed with the Registrar the form of the documents evidencing the trust and such other material as to the reporting to participants, advertising, and training of personnel as the Registrar requires in respect of such offering and a receipt therefor has been obtained from the Registrar.
- (4) The Registrar may, when in his opinion such action Information  
folder and  
delivery to  
prospective  
purchaser  
is in the public interest, require a trust company to file with him an information folder in the form prescribed by the regulations with respect to a pooled trust fund and no application or moneys for participation in the pooled trust fund shall be received by the trust company from a prospective purchaser until the trust company has delivered to the prospective purchaser a copy of the information folder that has been filed and the trust company shall obtain from each prospective purchaser with his application a statement in writing acknowledging that he has received a copy of the information folder.
- (5) The information folder shall provide brief and plain Form of  
information  
folder  
disclosure of all material facts relating to the pooled trust fund, shall comply as to form and content with the requirements of the regulations and shall be

so certified by the president, vice-president, or managing director or other director appointed for such purpose and by the secretary or manager of the trust company.

New  
information  
folders

(6) A trust company that has filed an information folder in respect of a pooled trust fund shall, as long as the trust company continues to offer participation in the pooled trust fund, file with the Registrar a copy of a new information folder in respect of its contracts,

(a) forthwith upon any material changes in any facts set out in the information folder filed in respect of such pooled trust fund; and

(b) within one year and one month after the date of the latest information folder filed with the Registrar in respect of such pooled trust fund.

Prohibition  
order

(7) When it appears to the Registrar that,

(a) the information folder, or any other document filed with the Registrar by a trust company under this Act or the regulations,

(i) fails to comply in any substantial respect with the requirements of this Act or the regulations,

(ii) contains any promise, estimate, illustration or forecast that is misleading, false or deceptive, or

(iii) conceals or omits to state any material fact necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it is made; or

(b) the condition or method of operation of the trust company in connection with its pooled trust fund will render its operations hazardous to the public or to its participants in Ontario,

the Registrar shall report the same to the Minister and the Minister, if he concurs in the report and after hearing the trust company, may order the Registrar to prohibit the trust company from continuing to offer participation in such pooled trust fund.

(8) The Lieutenant Governor in Council may make Regulations regulations,

- (a) prescribing the form and content of the trust instrument establishing a pooled trust fund;
- (b) prescribing investment restrictions and reserves in respect of pooled trust funds;
- (c) prescribing the form and content of information folders;
- (d) prescribing the qualifications and training of persons who may sell interests in pooled trust funds;
- (e) governing the furnishing of information and advertising to the public in connection with a pooled trust fund;
- (f) requiring trust companies to furnish the Registrar with such information, returns and reports respecting pooled trust funds as is prescribed.

**22.** Section 79 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 222,  
s. 79,  
re-enacted

79.—(1) A provincial trust company does not have power to borrow money by taking deposits or by issuing debentures.

Trust  
companies  
not to  
borrow by  
accepting  
deposits

(2) A provincial trust company may borrow money and charge, mortgage, hypothecate or pledge all or any of the real or personal property, present or future, of the company other than property deemed by this Act to be held by the company as trustee or received for investment under sections 80 and 82, to secure any moneys so borrowed.

Trust  
companies  
may  
borrow on  
its own  
funds

**23.** Section 81 of *The Loan and Trust Corporations Act* is repealed.

R.S.O. 1960,  
c. 222, s. 81,  
repealed

**24.** Section 82a of *The Loan and Trust Corporations Act*, as enacted by section 2 of *The Loan and Trust Corporations Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 222,  
s. 82a (1965,  
c. 61, s. 2)  
re-enacted

82a.—(1) The total of the moneys received by a registered trust company as deposits under section 80 and for investment under section 82 or borrowed under section 79 shall not at any time exceed an amount

Limit on  
guaranteed  
funds

equal to four times the aggregate of its unimpaired capital and reserve, but the Lieutenant Governor in Council may, on the report of the Registrar and on such terms and conditions as are prescribed in the order in council,

- (a) increase the total amount that may be so received by such company to an amount not exceeding twenty times the aggregate of such capital and reserve; and
- (b) prescribe the portion of the total amount that may be so received or borrowed by such company that may be received by way of deposits.

Deduction to be made in estimating the paid in capital

- (2) In ascertaining the amounts that may be received or borrowed by a trust company under subsection 1, all loans or advances to its shareholders upon the security of their shares shall be deducted from the amount of the unimpaired capital.

Pledge of securities to Canada Deposit Insurance Corporation

- 82b. Notwithstanding anything in this Act, a trust company may, with the approval of the Registrar, hypothecate, mortgage or pledge the cash and securities ear-marked and set aside under sections 80 and 82 of this Act to the Canada Deposit Insurance Corporation for a loan from that Corporation.

R.S.O. 1960, c. 222, s. 84 (1966, c. 81, s. 7), subs. 1, cls. a, b, c, re-enacted

**25.**—(1) Clauses *a*, *b*, and *c* of subsection 1 of section 84 of *The Loan and Trust Corporations Act*, as re-enacted by section 7 of *The Loan and Trust Corporations Amendment Act, 1966*, and amended by subsections 1 and 2 of section 4 of *The Loan and Trust Corporations Amendment Act, 1968*, are repealed and the following substituted therefor:

- (a) cash on hand or on deposit in a chartered bank or other depository approved by the Registrar;
- (b) unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada or of or guaranteed by any province of Canada;
- (c) loans payable on demand and fully secured by securities referred to in clause *b*.

R.S.O. 1960, c. 222, s. 84 (1966, c. 81, s. 7), subs. 2, cls. a, b, re-enacted

(2) Clauses *a* and *b* of subsection 2 of the said section 84 are repealed and the following substituted therefor:

(a)

- (a) at least 25 per cent shall be maintained in cash on hand or on deposit in a chartered bank or other depository approved by the Registrar and in unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada, maturing in three years or less; and
- (b) at least 50 per cent shall be maintained in cash on hand or on deposit in a chartered bank or other depository approved by the Registrar and in unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada, maturing in ten years or less.

**26.** Subsection 1 of section 97 of *The Loan and Trust Corporations Act* is amended by striking out "or loaning land corporation" in the first and second lines and in the fourth line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 222, s. 97,  
subs. 1,  
amended

- (1) Any registered loan corporation may unite, merge, amalgamate and consolidate its stock, property, business and franchises with those of any other loan corporation in Canada, or may purchase the assets of any such corporation, or may sell its assets to any registered corporation, and for the purpose of carrying out such purchase or sale the purchasing corporation shall assume the liabilities of the vendor corporation, and may enter into such bond or agreement of indemnity with the corporation or the individual shareholders thereof, or both, as may be necessary, and the corporations may enter into the contracts and agreements necessary to such union, merger, amalgamation, consolidation, sale or purchase.

Power to  
unite with  
other  
corporations  
and to  
purchase or  
sell assets

**27.** Section 99 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 222, s. 99,  
re-enacted

- 99. At each of the meetings of shareholders the agreement or offer shall be considered, and if at each meeting the holders of at least 50 per cent of the issued shares of the corporation for the time being carrying voting rights are present in person or represented by proxy and the agreement or offer is ratified or accepted by resolution carried by the affirmative vote of the holders of at least three-fourths of the shares represented at such meeting, that fact shall be certified upon the agreement or offer by the secretary or manager of each corporation under the seal of such corporation.

Proceedings  
to ratify  
agreement

R.S.O. 1960, c. 222, s. 102, subs. 5, repealed **28.** Subsection 5 of section 102 of *The Loan and Trust Corporations Act* is repealed.

R.S.O. 1960, c. 222, s. 105, subs. 2, 3, 4, re-enacted **29.**—(1) Subsections 2, 3 and 4 of section 105 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

Business and property vested in amalgamated corporation

(2) From the date of the assent, all the business and real and personal property, and all the rights and incidents appurtenant thereto, all stock, mortgages and other securities, subscriptions and other debts due, and other things in action belonging to each of the amalgamating corporations are vested in the amalgamated corporation without further act or deed.

Creditors' rights

(3) All rights of creditors and liens upon the property of each of the amalgamating corporations are unimpaired by the amalgamation.

Debts and liabilities

(4) All debts, liabilities and duties of each of the amalgamating corporations attach to the amalgamated corporation from the date of the assent and may be enforced against it to the same extent as if they had been incurred or contracted by it.

R.S.O. 1960, c. 222, s. 105, subs. 5 (1960-61, c. 48, s. 2, subs. 2), re-enacted

(2) Subsection 5 of the said section 105, as enacted by subsection 2 of section 2 of *The Loan and Trust Corporations Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Charter

(5) Where the amalgamated corporation is to continue as a provincial corporation, the Lieutenant Governor shall, by letters patent, issue to the amalgamated corporation a charter, as at the date of the assent, confirming the amalgamation agreement and continuing the amalgamated corporation as if it had been incorporated under this Act.

To permit continuation of amalgamated company under another jurisdiction

(6) Where the amalgamated corporation is to continue as other than a provincial corporation and one or more, but not all, parties to the amalgamation agreement are provincial corporations, the parties to the amalgamation agreement may apply to the proper officer of the jurisdiction of continuation specified in the amalgamation agreement for an instrument amalgamating and continuing them as an amalgamated corporation under the laws of that jurisdiction and as incidental thereto a provincial corporation may apply for letters patent or other instrument continuing it as if it had been incorporated under the laws of that jurisdiction.

**30.** Subsection 1 of section 106 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 222,  
s. 106,  
subs. 1  
re-enacted

- (1) In addition to its powers under section 97, a registered loan corporation may, for the purpose of either acquiring the assets of any other loan corporation in Canada or uniting, merging or amalgamating with any such corporation under sections 97 to 105, purchase not less than 67 per cent of the outstanding shares of any such corporation, subject to the following:

Acquisition  
or amalga-  
mation by  
registered  
loan  
corporation  
by purchase  
of shares

1. No such purchase shall be made unless authorized by the Lieutenant Governor in Council.
2. The Lieutenant Governor in Council may authorize such purchase on the report of the Registrar supported by evidence that,

(a) an offer to purchase has been accepted,

(i) in writing by the holders of at least 67 per cent of the outstanding shares of such other corporation, or

(ii) by resolution or resolutions carried by the affirmative vote of the holders of at least 67 per cent of the outstanding shares of each class of such corporation at a general meeting of the shareholders thereof; and

(b) the purchase has been submitted to a general meeting of the shareholders of the purchasing corporation at which the holders of at least 50 per cent of the issued shares of such corporation for the time being carrying voting rights are present in person or represented by proxy and the purchase is approved by resolution carried by the affirmative vote of the holders of at least three-fourths of the shares represented at such meeting.

3. The power to purchase shares under this section is in addition to the powers set forth

in section 137, and the limitations and provisos contained in section 142 do not apply to any such purchase of shares.

4. Where a corporation has purchased shares under this section, it shall within a period of two years after the purchase has been authorized by the Lieutenant Governor in Council proceed under sections 97 to 105 either to acquire the assets and assume the duties, obligations and liabilities of the other corporation or to unite, merge or amalgamate with such other corporation, but the Lieutenant Governor in Council, on being satisfied that the circumstances so warrant, may extend such period from time to time and, after the expiration of such period and any such extension thereof, the shares so purchased shall not be allowed as assets of the purchasing corporation in the annual report prepared by the Registrar for the Minister, and the Registrar may direct the corporation to sell or otherwise absolutely dispose of such shares.

R.S.O. 1960,  
c. 222,  
s. 108,  
subs. 1  
re-enacted

**31.** Subsection 1 of section 108 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Acquisition  
or amalga-  
mation by  
registered  
trust  
company by  
purchase of  
shares

- (1) In addition to its powers under section 107, a registered trust company may, for the purpose of either acquiring the assets of any corporation in Canada or uniting, merging or amalgamating with any other trust company in Canada under section 107, purchase not less than 67 per cent of the outstanding shares of any such corporation or trust company, subject to the following:

1. No such purchase shall be made unless authorized by the Lieutenant Governor in Council.
2. The Lieutenant Governor in Council may authorize such purchase on the report of the Registrar, supported by evidence that,

(a) an offer to purchase has been accepted,

- (i) in writing by the holders of at least 67 per cent of the outstanding shares of such other corporation or trust company, or

(ii)

- (ii) by resolution or resolutions carried by the affirmative vote of the holders of at least 67 per cent of the outstanding shares of each class of such other corporation or trust company at a general meeting of the shareholders thereof; and
  - (b) the purchase has been submitted to a general meeting of the shareholders of the registered trust company at which the holders of at least 50 per cent of the issued shares of such company for the time being carrying voting rights are present in person or represented by proxy and the purchase is approved by resolution carried by the affirmative vote of the holders of at least three-fourths of the shares represented at such meeting.
3. The power to purchase shares under this subsection is in addition to the powers that a registered trust company has under section 139, and the limitations and provisos contained in section 142 do not apply to any such purchase of shares.
  4. Where a trust company has purchased shares under this section it shall within a period of two years after such purchase has been authorized by the Lieutenant Governor in Council proceed under section 107 either to acquire the assets and assume the duties, obligations and liabilities of the other corporation or to unite, merge or amalgamate with such other trust company, but the Lieutenant Governor in Council, on being satisfied that the circumstances so warrant, may extend such period from time to time and, after the expiration of such period and any such extension thereof, the shares so purchased shall not be allowed as assets of the purchasing trust company in the annual report prepared by the Registrar for the Minister, and the Registrar may direct such trust company to sell or otherwise absolutely dispose of such shares.

R.S.O. 1960,  
c. 222,  
s. 109,  
subs. 3,  
re-enacted

**32.** Subsection 3 of section 109 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Protection  
from  
personal  
liability

- (3) No action or other proceeding for damages shall be instituted against the Registrar or assistant registrar, or anyone acting under the authority of the Registrar or assistant registrar, for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

R.S.O. 1960,  
c. 222,  
s. 111,  
subs. 1,  
amended

**33.** Subsection 1 of section 111 of *The Loan and Trust Corporations Act* is amended by adding "and" at the end of clause *a* and by striking out clause *b*.

R.S.O. 1960,  
c. 222,  
s. 114,  
subs. 3,  
re-enacted

**34.—**(1) Subsection 3 of section 114 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Special  
audits

- (3) Where,
- (a) a corporation is three months in default in the delivery of the annual statement required by section 152; or
  - (b) for eighteen consecutive months there has been no audit of the books and accounts of the corporation; or
  - (c) there is filed with the Registrar a requisition for audit bearing the signatures and addresses of at least twenty-five shareholders of the corporation holding shares upon which not less than \$10,000 in the aggregate has been paid in, alleging specific fraudulent or illegal acts or repudiation of contracts or alleging that the accounts of the corporation have been materially and wilfully falsified and accompanied by a deposit of \$1,000 or such other sum as the Registrar fixes as security for the cost of the audit,

the Registrar may appoint an accountant who shall under his direction make a special audit of the books, accounts and securities of the corporation and make to the Registrar a written report thereon.

(2) Subsection 8 of the said section 114 is amended by striking out "66" in the fifth line and inserting in lieu thereof "68".

R.S.O. 1960,  
c. 222,  
s. 114,  
subs. 8,  
amended

(3) Subsections 9 and 10 of the said section 114 are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 222,  
s. 114,  
subs. 9, 10,  
re-enacted

(9) If the report of the special auditor appears to the Registrar to disclose fraudulent or illegal acts or repudiation of contracts or that the accounts of the corporation have been materially and wilfully falsified, he shall notify the corporation accordingly and furnish to it a copy of the report and the corporation shall within two weeks thereafter file a statement with the Registrar replying to such report.

Report of  
special  
auditor

(10) Upon consideration of the report and the corporation's statement in reply and such further evidence, documentary or oral, as he may require, the Registrar shall by a decision in writing continue, suspend or cancel the registry of the corporation or impose such terms or conditions upon the registry of the corporation, as he considers appropriate.

Registrar's  
decision

**35.** Subsection 8 of section 115 of *The Loan and Trust Corporations Act* is repealed.

R.S.O. 1960,  
c. 222,  
s. 115,  
subs. 8,  
repealed

**36.** Section 117a of *The Loan and Trust Corporations Act*, as enacted by section 8 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 222,  
s. 117a,  
(1966, c. 81,  
s. 8),  
re-enacted

117a.—(1) The Registrar may address any inquiries to a registered corporation or to the president, manager or secretary thereof for the purpose of ascertaining its condition and ability to meet its obligations or as to the conduct of its business and it is the duty of any corporation or officer so addressed to reply promptly in writing to any such inquiry.

Inquires by  
Registrar

(2) The Registrar may require a corporation to forward a copy of any letter addressed to the corporation by the Registrar and any answer thereto to each director of the corporation and upon such requirement being made the president of the board of directors shall instruct the secretary of the corporation to include a copy of such letter and the answer thereto in the minutes of the meeting of the directors next following the requirement of the Registrar.

Notice to  
directors

Answers  
may be  
included in  
Registrar's  
annual  
report

- (3) The Registrar may, in his discretion, embody in his annual report to the Minister the inquiries and requirement made by him under this section and the answers thereto.

R.S.O. 1960,  
c. 222,  
amended

**37.** *The Loan and Trust Corporations Act* is amended by adding thereto the following sections:

Assets  
not  
accounted  
for

**118a.**—(1) Where it comes to the attention of the Registrar that a provincial corporation may not be able to account satisfactorily for any assets that appear on its books and, upon investigation, the Registrar is satisfied that any such assets cannot be satisfactorily accounted for and that the circumstances so warrant, he may immediately take possession and control of the assets of such corporation and maintain such control on his own initiative for a period of seven days and, with the concurrence of the Minister, for any longer period that the Minister may order for the purpose of the Registrar's report under subsection 1 of section 118b.

Release of  
assets

- (2) The Registrar may release any assets under his possession and control that he considers advisable for the purposes of the corporation.

Report  
to Minister

**118b.**—(1) Where the Registrar is of the opinion that the assets of a provincial corporation are not sufficient to meet its liabilities in respect of moneys received in trust or borrowed he shall so report to the Minister.

Remedial  
powers  
of the  
Minister

- (2) Where the Minister, after full consideration of the matter and after a reasonable time has been given to the corporation to be heard by him, and upon such further inquiry or investigation as he sees fit to make, agrees with the opinion of the Registrar under subsection 1, the Minister may do one or both of the following,

(a) make the corporation's registry subject to such limitations or conditions as he considers appropriate;

(b) prescribe a time within which the corporation shall make good any deficiency of assets.

Subsequent  
action

- (3) If the corporation fails to make good any deficiency of assets within the time that has been prescribed under clause *b* of subsection 2, or any extension

thereof

thereof subsequently given by the Minister, the Minister shall submit the report of the Registrar to the Lieutenant Governor in Council and the Lieutenant Governor in Council, if he agrees with the report, may order the Registrar to take possession and control of the assets of the corporation and the Registrar shall deliver a copy of the order to an officer of the corporation.

- (4) For the purposes of this section, the Minister may <sup>Appointment of appraisers</sup> appoint such persons as he considers necessary to value and appraise the assets and liabilities of the corporation and report upon its condition and its ability, or otherwise, to meet its liabilities.

118c.—(1) If so ordered by the Lieutenant Governor in Council under section 118b, the Registrar shall take <sup>Power of Registrar upon taking control</sup> possession and control of the assets of a provincial corporation and shall thereafter conduct its business and take such steps as in his opinion should be taken toward its rehabilitation, and for such purposes the Registrar has all the powers of the board of directors of the corporation, and, without limiting the generality of the foregoing, the Registrar may,

- (a) exclude the directors, officers, servants and agents of the corporation from the premises, property and business of the corporation; and
- (b) carry on, manage and conduct the operations of the corporation and in the name of the corporation preserve, maintain, realize, dispose of and add to the property of the corporation, receive the incomes and revenues of the corporation and exercise all the powers of the corporation.

- (2) While the Registrar has possession and control <sup>Application to court</sup> of the assets of a corporation under this section, the Minister may direct the Registrar to apply to the court for an order for the winding up of the corporation under Part VII of *The Corporations Act*. R.S.O. 1960, c. 71

- (3) Where the Registrar is in possession and control <sup>Appointment of managers</sup> of the assets of a corporation and is conducting its business, he may appoint one or more persons to manage and operate the business of the corporation, and,

- (a) each person so appointed is a representative of the Registrar; and

(b)

- (b) the remuneration of any such person, other than an employee of the office of the Registrar, shall be fixed by the Minister.

Relinquish-  
ing control

- (4) Whenever the Minister believes that a corporation, the assets of which are in the possession and control of the Registrar, meets all the requirements of this Act and that it is otherwise proper for the corporation to resume possession and control of its assets and the conduct of its business, the Minister may, in writing, direct the Registrar to relinquish to the corporation the possession and control of its assets, and from and after the date specified in such direction the powers of the Registrar under this section cease.

Where  
rehabilitation  
efforts futile

- (5) If the Minister, on the report of the Registrar, considers that further efforts to rehabilitate a corporation, the assets of which are in the possession and control of the Registrar, would be futile, he may, in writing, direct the Registrar to relinquish to the corporation the possession and control of its assets, and from and after the date specified in such direction the powers of the Registrar under this section cease.

Expenses of  
proceedings

- (6) The expenses of the Registrar incurred in rehabilitation proceedings under this section and sections 118*a* and 118*b* shall be paid,
- (a) where the corporation that is the subject of the proceedings is a loan corporation, by all loan corporations; or
- (b) where the corporation that is the subject of the proceedings is a trust company, by all trust companies,

and the share of each shall be in the same proportion as its total net income earned in Ontario in its last preceding fiscal year bears to the total net income earned in Ontario of all loan corporations or trust companies, as the case may be, in the last preceding fiscal year of each.

Advisory  
committee

- (7) The corporations required to bear the said expenses of the Registrar may appoint a committee of not more than six members to advise the Registrar in

respect

respect of all matters pertinent to the rehabilitation of the corporation whose assets are in the possession and control of the Registrar.

- 118*d*.—(1) Notwithstanding section 118*c*, a provincial corporation may appeal to a judge of the Court of Appeal from any order made by the Lieutenant Governor in Council under section 118*b* within thirty days after the delivery of a copy of the order to an officer of the provincial corporation, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action.
- (2) An order of the Lieutenant Governor in Council under section 118*b* shall take effect immediately, but where there is an appeal, a judge of the Court of Appeal may grant a stay until any appeal is disposed of.
- (3) The Minister shall certify to the Registrar of the Supreme Court, <sup>Material on appeal</sup>
- (a) the decision of the Lieutenant Governor in Council;
  - (b) the reports of the Registrar to the Minister or the Lieutenant Governor in Council;
  - (c) the record of any hearing; and
  - (d) all written submissions by the appellant to the Registrar, the Minister or the Lieutenant Governor in Council.
- (4) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. <sup>Representation</sup>
- (5) Where an appeal is taken under this section, the judge may by order direct the Registrar to take such action as the judge considers proper or refrain from taking any action specified in the order and the Registrar shall act accordingly. <sup>Order</sup>
- (6) The order of the judge is final and there is no appeal therefrom, but, notwithstanding the order, the Minister and the Lieutenant Governor in Council have power to make any further reports and orders on new material or where there is a material change in the circumstances, and any such further order is subject to appeal under this section. <sup>Further decision</sup>

R.S.O. 1960,  
c. 222,  
s. 123,  
subs. 1,  
amended

**38.**—(1) Subsection 1 of section 123 of *The Loan and Trust Corporations Act* is amended by striking out “and loaning land corporations” in the fifth line, so that the subsection, exclusive of the paragraphs, shall read as follows:

What  
admissible  
to registry

- (1) Trust companies whose powers do not include that of buying and selling land as beneficial owner except as authorized by this Act and do not exceed the powers that are conferred upon trust companies under this Act, loan corporations that are solvent and fall within one of the following classes, may, upon due application, be admissible to registry:

. . . . .

R.S.O. 1960,  
c. 222,  
s. 123,  
subs. 3,  
re-enacted

- (2) Subsection 3 of the said section 123 is repealed and the following substituted therefor:

Registry  
on terms

- (3) Upon the application for registration of a corporation, other than a provincial corporation, the Registrar may recommend to the Minister that the corporation be admitted to registry on terms and conditions and the Minister, if he so approves, may direct that the corporation be admitted to registry on such terms and conditions as he prescribes.

R.S.O. 1960,  
c. 122,  
s. 128,  
repealed

**39.** Section 128 of *The Loan and Trust Corporations Act* is repealed.

R.S.O. 1960,  
c. 222,  
s. 133,  
subs. 1,  
amended

**40.** Subsection 1 of section 133 of *The Loan and Trust Corporations Act* is amended by striking out “or of a loaning land corporation” in the fourth and fifth lines, so that the subsection shall read as follows:

No  
unregistered  
corporation  
to  
undertake  
business

- (1) No incorporated body or person acting in its behalf, other than a registered corporation and a person duly authorized by it to act in its behalf, shall undertake or transact in Ontario the business of a loan corporation or of a trust company.

R.S.O. 1960,  
c. 222,  
s. 137,  
subs. 1,  
re-enacted

**41.**—(1) Subsection 1 of section 137 of *The Loan and Trust Corporations Act*, as amended by section 3 of *The Loan and Trust Corporations Amendment Act, 1960-61*, subsections 1, 2 and 3 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, subsections 1 and 2 of section 4 of *The Loan and Trust Corporations Amendment Act, 1965*, and subsection 1 of section 10 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor:

Mortgages

- (1) A registered loan corporation may purchase or invest in,

(a)

- (a) ground rents, mortgages, charges or hypothecs <sup>mortgages</sup> upon improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount paid for the mortgage, charge or hypothec, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or prior to the mortgage, charge or hypothec in which the purchase or investment is made, shall not exceed three-quarters of the value of the real estate or leasehold to which the mortgage, charge or hypothec relates;
- (b) mortgages, charges or hypothecs upon im- <sup>N.H.A. mortgages</sup>proved real estate or leaseholds in Canada, notwithstanding that the amount paid for the mortgage, charge or hypothec exceeds three-quarters of the value of the real estate or leasehold, if the loan for which the mortgage, charge or hypothec is security is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada); <sup>1953-54 c. 23 (Can.)</sup>
- (c) mortgages, charges or hypothecs on improved <sup>insured mortgages</sup>real estate or leaseholds in Canada or in any country where the corporation is carrying on business, or bonds or notes secured by such mortgages, charges or hypothecs, notwithstanding that the mortgage, charge or hypothec exceeds the amount that the corporation is otherwise authorized to invest if the excess is guaranteed or insured by or through an agency of the government of the country in which the real estate or leasehold is situated or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed or registered under the *Canadian and British Insurance Companies Act* (Canada), the *Foreign Insurance Companies Act* (Canada) or *The Insurance Act* or similar legislation of <sup>R.S.C. 1952, cc. 31, 125</sup>any province or territory of Canada; <sup>R.S.O. 1960, c. 190</sup>
- (d) mortgages or assignments of such life insur- <sup>mortgages and assignments of life insurance policies</sup>ance policies as have at the date of the purchase or investment an ascertained cash surrender value admitted by the insurer;

Government  
bonds

(e) the debentures, bonds, stock or other securities of or guaranteed by the Government of Canada or of or guaranteed by the government of any province of Canada, or of or guaranteed by the government of the United Kingdom, or of any of Her Majesty's dominions, colonies or dependencies, or of any state forming part of any such dominion, colony or dependency, or of or guaranteed by any foreign country or state forming part of such foreign country where the interest on the securities of such foreign country or state has been paid regularly for the previous ten years, or of any municipality or school corporation in Canada or elsewhere where the corporation is carrying on business, or guaranteed by any municipal corporation in Canada, or secured by rates or taxes levied under the authority of the government of any province of Canada on property situated in such province and collectable by the municipalities in which the property is situated;

bonds, etc.,  
issued or  
guaranteed  
by the  
Inter-  
national  
Bank, etc.

(f) the bonds, debentures or other securities issued or guaranteed by,

(i) the International Bank for Reconstruction and Development,

(ii) Inter-American Development Bank or by Asian Development Bank, or

(iii) the government of any country in which the corporation is carrying on business or a province or state thereof;

bonds  
secured by  
trust deed

(g) the bonds, debentures, debenture stock, notes or other securities of any company that are secured by a mortgage or hypothec to a trust company either singly or jointly with another trustee upon improved real estate of such company or other assets of such company of the classes mentioned in clauses *a*, *b*, *c*, *d* and *e*;

federal  
subsidy  
bonds

(h) the bonds or debentures of a company or institution incorporated in Canada that are secured by the assignment to a trust company in Canada of payments that the Government

of Canada has agreed to make, if such payments are sufficient to meet the interest as it falls due on the bonds or debentures outstanding and to meet the principal amount of the bonds or debentures upon maturity;

- (i) the bonds or debentures of a company or <sup>provincial</sup> institution incorporated in Canada that are <sup>subsidy</sup> secured by the assignment to a trust company in Canada of payments that are payable, by virtue of an Act of a province of Canada, by or under the authority of the province, if such payments are sufficient to meet the interest as it falls due on the bonds or debentures outstanding and to meet the principal amount of the bonds or debentures upon maturity;
- (j) obligations or certificates issued by a trustee <sup>transporta-</sup> to finance, for a company incorporated in <sup>tion</sup> Canada or for a company owned or controlled <sup>equipment</sup> by a company so incorporated, the purchase <sup>security</sup> of transportation equipment to be used on railways or public highways, if the obligations or certificates are fully secured by,
  - (i) an assignment of the transportation equipment to, or the ownership thereof by, the trustee, and
  - (ii) a lease or conditional sale thereof by the trustee to the company;
- (k) the bonds, debentures or other evidences of <sup>debentures</sup> indebtedness of or guaranteed by,
  - (i) any company if, at the date of investment, the preferred shares or the common shares of the company are authorized as investments by clause *l* or *m*, or
  - (ii) any company where the earnings of the company in a period of five years ending less than one year before the date of investment have been equal in sum total to at least ten times and in each of any four of the five years have been equal to at least  $1\frac{1}{2}$  times the annual interest requirements at the date of investment on all indebtedness

of or guaranteed by it other than indebtedness classified as a current liability in the balance sheet of the company, and if the company at the date of investment owns directly or indirectly more than 50 per cent of the common shares of another company, the earnings of the companies during the said period of five years may be consolidated with due allowance for minority interests, if any, and in that event the interest requirements of the companies shall be consolidated and such consolidated earnings and consolidated interest requirements shall be taken as the earnings and interest requirements of the company; and for the purpose of this subclause, "earnings" means earnings available to meet interest charges on indebtedness other than indebtedness classified as a current liability;

preferred  
shares

- (l) the preferred shares of a company where the company has paid,
  - (i) a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or
  - (ii) if the common shares of the company are, at the date of investment, authorized as investments by clause *m*;

common  
shares

- (m) the fully paid common shares of a company that during a period of five years that ended less than one year before the date of purchase or investment has either,
  - (i) paid a dividend in each such year upon its common shares, or
  - (ii) had earnings in each such year available for the payment of a dividend upon its common shares,

of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the company during the year

in which the dividend was paid or in which the company had earnings available for the payment of dividends, as the case may be;

- (n) real estate or leaseholds for the production of <sup>real estate for the production of income</sup> income in Canada or in any country in which the corporation is carrying on business, either alone or jointly with any other corporation incorporated in Canada or with any insurance company transacting the business of insurance in Canada, if,
- (i) a lease of the real estate or leasehold is made to, or guaranteed by,
    - (A) the government, or an agency of the government of the country in which the real estate or leasehold is situated, or of a province, state or municipality of that country, or
    - (B) a company, the preferred shares or common shares of which are, at the date of investment, authorized as investments by clause *l* or *m*,
  - (ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the corporation in the real estate or leasehold within the period of the lease, but not exceeding thirty years from the date of investment,
  - (iii) the total investment of the corporation in any one parcel of real estate or in any one leasehold does not exceed 2 per cent of the book value of the total assets of the corporation, and
  - (iv) the book value of the investments of the corporation in real estate or leaseholds for the production of income under this clause and clause *o* do not exceed 10 per cent of the book value of the total assets of the corporation,

and

and the corporation may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold;

other real  
estate for  
the  
production  
of income

(o) real estate or leaseholds for the production of income in Canada or in any country in which the corporation is carrying on business, either alone or jointly with any other corporation incorporated in Canada or with any insurance company transacting the business of insurance in Canada, if,

(i) the real estate or leasehold has produced, in each of the three years immediately preceding the date of investment, net revenue in an amount that, if continued in future years, would be sufficient to yield a reasonable interest return on the amount invested in the real estate or leasehold and to repay at least 85 per cent of that amount within the remaining economic lifetime of the improvements to the real estate or leasehold but not exceeding forty years from the date of investment, and

(ii) the total investment of a corporation in any one parcel of real estate or in any one leasehold does not exceed 2 per cent of the book value of the total assets of the corporation,

and the corporation may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold; but the book value of the investments of the corporation in real estate or leaseholds for the production of income and subject to subclause iv of clause *n* shall not exceed 5 per cent of the book value of the total assets of the corporation;

guaranteed  
investment  
certificates  
of trust  
companies

(p) guaranteed investment certificates of a trust company incorporated in Canada, if, at the date of investment, the preferred shares or the common shares of the trust company are authorized as investments by clause *l* or *m*.

(2) Subsection 2 of the said section 137 is amended by striking out "or a registered loaning land corporation" in the fifth and sixth lines, so that the subsection shall read as follows: amended

R.S.O. 1960,  
c. 222,  
s. 137,  
subs. 2,

- (2) In addition to investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate pursuant to the *National Housing Act* (Canada) or the *National Housing Act, 1954* (Canada) or any amendments thereto, a registered loan corporation may invest its funds to an aggregate amount not exceeding 5 per cent of its total assets in Canada allowed by the Registrar in any other classes or types of investments pursuant to the said Acts, or any amendments thereto, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings.

Investment  
in national  
housing

R.S.C. 1952,  
c. 188;  
1953-54,  
c. 23 (Can.)

(3) Subsection 3 of the said section 137, as amended by subsection 4 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, subsections 3 and 4 of section 4 of *The Loan and Trust Corporations Amendment Act, 1965* and subsection 2 of section 10 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 222,  
s. 137,  
subs. 3,  
re-enacted

- (3) A registered loan corporation may lend money on the security of,

Loans on  
securities  
by loan  
corporations

(a) any of the securities mentioned in clauses *a*, *b*, *c*, *d*, *e* and *g* of subsection 1;

(b) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or prior to the loan shall not exceed three-quarters of the value of the real estate or leasehold;

(c) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, notwithstanding that the amount of the loan exceeds three-quarters of the value of the real estate or leasehold, if the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada);

1953-54  
c. 23 (Can.)

(d)

(d) mortgages, charges or hypothecs on improved real estate or leaseholds in Canada or in any country where the corporation is carrying on business, or bonds or notes secured by such mortgages, charges or hypothecs, notwithstanding that the amount secured by the mortgage, charge or hypothec exceeds the amount that the corporation is otherwise authorized to invest, if the excess is guaranteed or insured by, or through an agency of, the government of the country in which the real estate or leasehold is situated or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed or registered under the *Canadian and British Insurance Companies Act* (Canada), the *Foreign Insurance Companies Act* (Canada), *The Insurance Act* or similar legislation of any province or territory of Canada; and

(e) the bonds, debentures, notes, shares or other securities mentioned in clause *f, h, i, j, k, l, m* or *p* of subsection 1, if the market value of the securities on which the loan is made at all times is not less than the amount of the loan and if also the amount loaned on the security of the shares of any one company does not at any time exceed 10 per cent of the market value of the total outstanding shares of such company.

R.S.C. 1952,  
cc. 31, 125

R.S.O. 1960,  
c. 190

Special  
guaranteed  
loans

1964-65  
c. 24 (Can.)

R.S.C. 1952,  
c. 110  
1955  
c. 46 (Can.)

1960-61  
c. 5 (Can.)

(4) If a registered loan corporation is designated a bank or lender, as the case may be, under the *Canada Student Loans Act*, the *Farm Improvement Loans Act* (Canada) or the *Fisheries Improvement Loans Act* (Canada) or the *Small Businesses Loans Act* (Canada), the corporation may make guaranteed loans under and in accordance with the provisions of any of those Acts for which it has been designated a bank or lender.

R.S.O. 1960,  
c. 222,  
s. 138,  
re-enacted

**42.** Section 138 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

"Basket  
clause"  
for loan  
corporations

138. A registered loan corporation may make investments and loans not authorized by section 137 and not prohibited by any other section, subject to the following provisions,

(a) investments in real estate or leaseholds under this section shall be made only for the pro-

duction of income, and may be made by the corporation in Canada or in any country in which the corporation is carrying on business, either alone or jointly with any corporation incorporated in Canada or with any insurance company transacting the business of insurance in Canada, and the corporation may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of a corporation under this section in any one parcel of real estate or in any one leasehold shall not exceed 1 per cent of the book value of the total assets of the corporation;

(b) the total book value of the investments and loans made under this section and held by the corporation, excluding those that are, or at any time since acquisition have been, authorized as investments apart from this section, shall not exceed the larger of,

(i) 15 per cent of the corporation's unimpaired capital and reserve, or

(ii) such percentage as the Registrar may approve, not in excess of 7 per cent, of the book value of the total assets of the corporation; and

(c) this section shall be deemed not to,

(i) enlarge the authority conferred by this Act to invest in mortgages, charges or hypothecs or to lend on the security of real estate or leaseholds, or

(ii) affect the operation of clause *e* of subsection 3 of section 137 as to the amount that may be loaned on the security of the shares of any one company.

138a. Notwithstanding anything in section 137 or 142, a registered loan corporation may invest its funds in the fully paid shares of,

Power of  
loan  
corporations  
to invest in  
shares of  
certain  
companies

(a) any company incorporated outside Canada to exercise the powers that a loan corporation incorporated in Ontario possesses;

(b)

- (b) any company incorporated to acquire, hold, maintain, improve, lease or manage real estate or leaseholds or to act as agent in the sale or purchase of real estate or leaseholds;
- (c) any company incorporated to offer public participation in an investment portfolio;
- (d) any company incorporated to provide a company mentioned in clause *c* with advisory, management or sales distribution services; or
- (e) with the prior approval of the Minister, any company incorporated to carry on any other business activity reasonably ancillary to the business of a loan corporation,

subject to such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

R.S.O. 1960,  
c. 222,  
s. 139,  
re-enacted

**43.** Section 139 of *The Loan and Trust Corporations Act*, as amended by section 4 of *The Loan and Trust Corporations Amendment Act, 1960-61*, section 5 of *The Loan and Trust Corporations Amendment Act, 1961-62*, section 5 of *The Loan and Trust Corporations Amendment Act, 1965* and section 11 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor:

Investments  
by trust  
companies

139.—(1) A registered trust company may invest its own funds and moneys received for guaranteed investment or as deposits in any of the investments mentioned in subsection 1 of section 137, except that at all times at least 50 per cent of moneys received for guaranteed investment or as deposits shall be invested in or loaned upon such securities only as are authorized for trustees by section 26 of *The Trustee Act*.

R.S.O. 1960,  
c. 408

Restriction  
on amounts  
of  
investment  
in  
real estate

(2) The total book value of the investments of a registered trust company in real estate or leaseholds for the production of income under clause *n* of subsection 1 of section 137 shall not exceed in the case of its own funds 10 per cent of the book value of the total assets of such funds and, in the case of moneys received for guaranteed investment or as deposits, 10 per cent of such moneys and under clause *o* of subsection 1 of section 137, shall not exceed in the case of its own funds 5 per cent of the book value of the total assets of such funds and, in the case of moneys received for guaranteed investment or as

deposits

deposits, 5 per cent of such moneys or 25 per cent of the unimpaired capital and reserve of the company, whichever is the greater, but the total amount invested under clauses *n* and *o* shall not exceed the maximum amount provided in clause *n*; and the amount so invested in any one parcel of real estate or leaseholds for the production of income shall not exceed 2 per cent of the aggregate of the total assets of the corporation and the moneys received by it for guaranteed investment or as deposits.

- (3) In addition to investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate under the *National Housing Act, 1954* (Canada) or any predecessor thereof, a registered trust company may invest its own funds to an aggregate amount not exceeding 5 per cent of its unimpaired capital and reserve and may, notwithstanding subsection 1, invest moneys received for guaranteed investment or as deposits to an aggregate amount not exceeding 5 per cent of such moneys in any other classes or types of investments pursuant to the said Act, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings. Investments in national housing 1953-54, c. 23 (Can.)
- (4) Subject to subsection 1, a registered trust company may lend its own funds and moneys received for guaranteed investment or as deposits on the security of, Loans by registered trust companies
- (a) any of the securities mentioned in clauses *a*, *b*, *c*, *d*, *e* and *g* of subsection 1 of section 137;
  - (b) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or prior to the loan, shall not exceed three-quarters of the value of the real estate or leasehold;
  - (c) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, notwithstanding that the amount of the loan exceeds three-quarters of the value

of the real estate or leasehold, where the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada);

1953-54,  
c. 23 (Can.)

- (d) mortgages, charges or hypothecs on improved real estate or leaseholds in Canada or in any country where the company is carrying on business, or bonds or notes secured by such mortgages, charges or hypothecs, notwithstanding that the amount secured by the mortgage, charge or hypothec exceeds the amount that the company is otherwise authorized to invest, if the excess is guaranteed or insured by, or through an agency of, the government of the country in which the real estate or leasehold is situated or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed or registered under the *Canadian and British Insurance Companies Act* (Canada), the *Foreign Insurance Companies Act* (Canada), *The Insurance Act* or similar legislation of any province or territory of Canada; and

R.S.C. 1952,  
cc. 31, 125

R.S.O. 1960,  
c. 190

- (e) the bonds, debentures, notes, shares or other securities mentioned in clause *f, h, i, j, k, l, m* or *p* of subsection 1 of section 137, if the market value of the securities on which the loan is made at all times is not less than the amount of the loan, and if the amount loaned on the security of the shares of any one company does not at any time exceed 10 per cent of the market value of the total outstanding shares of such company.

Loans by  
trust  
companies

1964-65,  
c. 24 (Can.)

R.S.C. 1952,  
c. 110  
1955, c. 46  
(Can.)

- (5) If a registered trust company is designated a bank or lender, as the case may be, under the *Canada Student Loans Act*, the *Farm Improvement Loans Act* (Canada) or the *Fisheries Improvement Loans Act* (Canada), it may lend its own funds and moneys received for guaranteed investment or as deposits in guaranteed loans under and in accordance with the provisions of any of those Acts for which it has been designated a bank or lender.

R.S.O. 1960,  
c. 222,  
s. 140,  
re-enacted

**44.** Section 140 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

140. A registered trust company may, with respect to its own funds and with respect to moneys received for guaranteed investment or as deposits, make investments and loans not authorized by section 139 and not prohibited by any other section, subject to the following provisions,

- (a) investments in real estate or leaseholds under this section shall be made only for the production of income, and may be made by the company in Canada or in any country in which the company is carrying on business, either alone or jointly with any corporation incorporated in Canada or with any insurance company transacting the business of insurance in Canada, and the company may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of a company under this section in any one parcel of real estate or in any one leasehold shall not exceed 1 per cent of the aggregate of the unimpaired capital and reserve of the company and the moneys held by it for guaranteed investment or as deposits;
- (b) the total book value of the investments and loans made under this section and held by the company, excluding those that are or at any time since acquisition have been authorized as investments apart from this section, shall not exceed the larger of,
  - (i) 15 per cent of the company's unimpaired capital and reserve, or
  - (ii) such percentage as the Registrar may approve, not in excess of 7 per cent, of the aggregate of the unimpaired capital and reserve of the company and the moneys held by it for guaranteed investment or as deposits; and
- (c) this section shall be deemed not to,
  - (i) enlarge the authority conferred by this Act to invest in mortgages, charges or hypothecs or to lend on the security of real estate or leaseholds, or

(ii)

- (ii) affect the operation of subsections 1 and 2 of section 139 or the operation of clause *e* of subsection 4 of section 139 as to the amount that may be loaned on the security of the shares of any one company.

Power of registered trust companies to invest in shares of certain companies

140a. Notwithstanding anything in section 139 or 142, a registered trust company may invest its own funds in the fully paid shares of,

- (a) any company incorporated outside Canada to exercise the powers set forth in section 77;
- (b) any company incorporated to acquire, hold, maintain, improve, lease or manage real estate or leaseholds or act as agent in the sale or purchase of real estate or leaseholds;
- (c) any company incorporated to offer public participation in an investment portfolio;
- (d) any company incorporated to provide a company mentioned in clause *c* with advisory, management or sales distribution services;
- (e) a loan corporation within the meaning of this Act; or
- (f) with the prior approval of the Minister, any company incorporated to carry on any other business activity reasonably ancillary to the business of a trust company,

subject to such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

R.S.O. 1960,  
c. 222,  
s. 144,  
subs. 2,  
re-enacted

**45.** Subsection 2 of section 144 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Limitation  
of time for  
holding

- (2) The corporation shall, subject to section 145, sell any real estate acquired by it under a mortgage, charge or hypothecation, or in satisfaction of a debt, within twelve years after it has been so acquired, otherwise it may be forfeited to Her Majesty for the use of Ontario, but no such forfeiture shall be enforced until the expiration of six calendar months after notice in writing to the corporation of the intention of Her Majesty to claim such forfeiture.

**46.** Section 145 of *The Loan and Trust Corporations Act* R.S.O. 1960, c. 222, s. 145, amended is amended by adding thereto the following subsection:

- (2) The corporation may acquire, hold, sell or dispose of real estate acquired in connection with the relocation by the corporation of the place of employment of an employee, if the real estate serves as the residence of the employee immediately after the relocation or served as the residence of the employee immediately before the relocation but the real estate shall not be allowed as an asset of the corporation in the annual report prepared by the Registrar for the Minister if it is held for more than two years following its acquisition.

**47.** Section 147 of *The Loan and Trust Corporations Act* R.S.O. 1960, c. 222, s. 147, amended is amended by striking out "paid up capital and reserve funds" in the fourth and fifth lines and inserting in lieu thereof "unimpaired paid up capital, surplus and reserves", so that the section shall read as follows:

147. A provincial corporation shall not make or undertake any investment under section 145 or 146 that will cause the total amount at which such investments are carried on its books to exceed 35 per cent of its unimpaired paid up capital, surplus and reserves.

**48.** Section 148 of *The Loan and Trust Corporations Act*, R.S.O. 1960, c. 222, s. 148 (1966, c. 81, s. 14), as re-enacted by section 14 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor:

- 148.—(1) A corporation shall not knowingly make an investment,

(a) by way of a loan to,

- (i) a director or officer of the corporation or a spouse or child of such director or officer, or

- (ii) an individual, his spouse or any of his children under twenty-one years of age if either the individual or a group consisting of the individual, his spouse and such children is a substantial shareholder of the corporation;

- (b) in a company that is a substantial shareholder of the corporation; or

(c)

(c) in a company in which,

- (i) an individual mentioned in subclause i of clause *a*,
- (ii) an individual who is a substantial shareholder of the corporation,
- (iii) another corporation that is a substantial shareholder of the corporation, or
- (iv) a group consisting exclusively of individuals mentioned in subclause i of clause *a*,

has a significant interest.

Disposition

- (2) The corporation shall not knowingly retain an investment mentioned in subsection 1.

Inter-  
pretation

- (3) For the purpose of this section,

significant  
interest

- (a) a person has a significant interest in a company, or a group of persons has a significant interest in a company, if,
  - (i) in the case of a person, he owns beneficially, either directly or indirectly, more than 10 per cent, or
  - (ii) in the case of a group of persons, they own beneficially, either individually or together and either directly or indirectly, more than 50 per cent,

of the shares of the company for the time being outstanding;

substantial  
shareholder

- (b) a person is a substantial shareholder of a corporation, or a group of persons is a substantial shareholder of a corporation, if that person or group of persons owns beneficially, either individually or together and either directly or indirectly, equity shares to which are attached more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding; and in computing the percentage of voting rights attached to equity shares owned by an underwriter, there shall be excluded the voting

rights

rights attached to equity shares acquired by him as an underwriter during the course of distribution to the public by him of such shares;

- (c) "equity share" means a share of any class to <sup>equity share</sup> which are attached voting rights exercisable under all circumstances and a share of any class to which are attached voting rights by reason of the occurrence of any contingency that has occurred and is continuing;

- (d) "investment" means, investment

(i) an investment in a company by way of purchase of bonds, debentures, notes or other evidences of indebtedness thereof or shares thereof, or

(ii) a loan to a person or persons, but does not include an advance or loan, whether secured or unsecured, that is made by a corporation to a company and that is merely ancillary to the main business of the corporation;

- (e) "officer" means the president, vice-president, manager, secretary, assistant secretary, controller, treasurer and assistant treasurer of a corporation and any other person designated as an officer of the corporation by by-law or by resolution of the directors thereof.

- (4) For the purposes of this section, where a person or <sup>"Down-stream"</sup> a group of persons owns beneficially, directly or <sup>investment</sup> indirectly, shares of a company, that person or group of persons shall be deemed to own beneficially that proportion of the shares of any other company that is owned beneficially, directly or indirectly, by the first-mentioned company, that is equal to the proportion of the shares of the first-mentioned company that is owned beneficially, directly or indirectly, by that person or group of persons.

- (5) Notwithstanding subsection 4, a corporation is not <sup>Exception</sup> prohibited from making an investment in a company only because a person or a group of persons that owns beneficially, directly or indirectly, or is deemed to

own beneficially, equity shares of the corporation is by reason thereof deemed to own beneficially equity shares of the company.

**Exemption**

- (6) Where any person or group of persons is a substantial shareholder of a corporation and, as a consequence thereof and of the application of this section, certain investments are prohibited for the corporation, the Minister may, on the advice of the Registrar, and on application by the corporation, exempt from such prohibition any particular investment or investments of any particular class if he is satisfied,
- (a) that the decision of the corporation to make or hold any investment so exempted has not been and is not likely to be influenced in any significant way by that person or group, and does not involve in any significant way the interests of that person or group apart from their interests as a shareholder of the corporation; and
  - (b) that the investment is to be made under the power granted to the corporation by sections 137, 138, 139 and 140.

**Idem**

- (7) Any exemption made by the Minister under subsection 6 may contain any conditions or limitations considered by the Minister to be appropriate and may be revoked by the Minister at any time.

**Assets in Canada**

- 148a.—(1) A provincial corporation shall at all times retain in Canada assets at least equal to its liabilities incurred in Canada and to the moneys for which it is accountable as a trustee in Canada.

**Safekeeping**

- (2) The custody of securities registered in the name of or held by a provincial corporation is subject to such regulations respecting their safekeeping, including registration and the bonding of directors, officers and employees of the corporation, as the Lieutenant Governor in Council may prescribe.

R.S.O. 1960,  
c. 222,  
s. 150,  
re-enacted

**49.** Section 150 of *The Loan and Trust Corporations Act*, as amended by section 7 of *The Loan and Trust Corporations Amendment Act, 1965* and section 15 of *The Loan and Trust Corporations Amendment Act, 1966*, is repealed and the following substituted therefor:

- 150.—(1) Every trust company receiving deposits or <sup>Annual return</sup> receiving funds for guaranteed investment shall make a return to the Registrar on or before the 31st day of January in each year drawn in accordance with the form prescribed by the Registrar, showing the amount of the funds and showing all securities, including loans on securities and cash, and money on deposit ear-marked and set aside as provided in subsection 2 of section 80 and subsection 3 of section 82 as such amounts stood on the 31st day of December next preceding, and stating that they were on such date so ear-marked and set aside.
- (2) Every trust company shall prepare a statement in <sup>Semi-annual return</sup> the form prescribed by the Registrar as at the last day of June and of December in each year showing the changes in investments and loans of the company during the preceding half-year.
- (3) Every trust company shall prepare a statement in <sup>Quarterly statement</sup> the form prescribed by the Registrar as at the last day of March, June, September and December in each year showing the amount of cash and securities required to be maintained under section 84 and the amount of deposits and of funds received for guaranteed investment coming due in less than 100 days.
- (4) The statements mentioned in subsections 2 and 3 <sup>Verification of statements</sup> shall be verified by a certificate of a responsible officer of the trust company and shall be filed with the Registrar within thirty-one days after the date as at which they are made up.

**50.** Section 151 of *The Loan and Trust Corporations Act*, <sup>R.S.O. 1960, c. 222, s. 151 (1966, c. 81, s. 16), amended</sup> as re-enacted by section 16 of *The Loan and Trust Corporations Amendment Act, 1966*, is amended by adding thereto the following subsections:

- (2) Every loan corporation shall prepare a statement in <sup>Semi-annual return</sup> the form prescribed by the Registrar as of the last day of June and of December in each year showing the changes in investments and loans of the corporation during the preceding half-year.
- (3) The statements mentioned in subsections 1 and 2 <sup>Verification</sup> shall be verified by a certificate of a responsible officer of the loan corporation and shall be filed with the Registrar within thirty-one days after the date as at which they are made up.

Commence-  
ment

**51.** This Act comes into force on the day it receives Royal Assent.

Short  
title

**52.** This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1970. (No. 2)*

## CHAPTER 130

**An Act to amend  
The Drainage Act, 1962-63**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 24 of *The Drainage Act, 1962-63*, as amended by <sup>1962-63, c. 39, s. 24,</sup> section 4 of *The Drainage Amendment Act, 1968*, is further amended by adding thereto the following subsection:

(4a) The clerk of the initiating municipality and the clerk of every other local municipality shall send a copy of the report with each notice that is sent under subsections 2, 3 and 4, provided that where a copy of the report is sent under subsection 1 it is not necessary to send a further copy to the same party under this subsection. <sup>Copy of report to accompany notice</sup>

**2.** Section 25 of *The Drainage Act, 1962-63* is amended by <sup>1962-63, c. 39, s. 25,</sup> striking out "cause the report to be read aloud by the clerk" amended in the second and third lines and inserting in lieu thereof "consider the report", so that the section shall read as follows:

25. The council of the initiating municipality shall, at the meeting mentioned in the notices under section 24, consider the report, and, where the drainage works is requested on petition, shall give an opportunity to any person who has signed the petition to withdraw from it by putting his withdrawal in writing, signing it and filing it with the clerk, and shall also give those present owning lands within the area requiring drainage who have not signed the petition an opportunity so to do, and, should any of the lands or roads of the municipality be assessed, the council may by resolution authorize the head or acting head of the municipality to sign the petition for the municipality, and such signature counts as that of one person in favour of the petition. <sup>Con- sideration of report</sup>

1962-63,  
c. 39, s. 29a  
(1968-69,  
c. 32, s. 2),  
subs. 1,  
amended

**3.** Subsection 1 of section 29a of *The Drainage Act, 1962-63*, as enacted by section 2 of *The Drainage Amendment Act, 1968-69*, is amended by inserting after "of" where it occurs the second time in the first line "three or", so that the subsection shall read as follows:

Court of  
revision

- (1) The court of revision shall consist of three or five members appointed by the council of the municipality and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide.

1962-63,  
c. 39, s. 32,  
amended

**4.** Section 32 of *The Drainage Act, 1962-63*, is amended by adding thereto the following subsection:

Application  
of 1968-69,  
c. 6

- (1a) The provisions of *The Assessment Act, 1968-69*, as to appeals to the judge under section 55 of that Act apply *mutatis mutandis* to an appeal under subsection 1, except that the notice of appeal shall be given to the clerk of the municipality in lieu of the assessment commissioner and the clerk upon receipt of such notice shall thereupon perform the duties of the regional registrar.

1962-63,  
c. 39, s. 40,  
subs. 6  
(1968, c. 33,  
s. 6, subs. 1),  
amended

**5.** Subsection 6 of section 40 of *The Drainage Act, 1962-63*, as enacted by subsection 1 of section 6 of *The Drainage Amendment Act, 1968*, is amended by striking out "except a school maintained in whole or in part by a legislative grant or a school tax" in the fourteenth and fifteenth lines and inserting in lieu thereof "and land of a board of an elementary or secondary school as defined in *The Schools Administration Act*", so that the subsection shall read as follows:

Land exempt  
from  
taxation  
to be  
specially  
assessed

- (6) Notwithstanding the provisions of any general or special Act, land exempt from taxation is for all purposes, except petitioning for or against undertaking a drainage works, subject to the provisions of this Act and shall be specially assessed, and the special assessments so imposed that fall due while such land remains exempt from taxation shall be paid by the municipality that imposed the assessments, provided that such special assessments imposed upon land on which a church or place of worship is erected and that is used in connection therewith, land of a university, college or seminary of learning, whether vested in a trustee or otherwise, and land of a board of an elementary or secondary school as defined in *The Schools Administration Act*, shall be paid by the owners of the land.

R.S.O. 1960,  
c. 361

**6.**—(1) This Act, except section 5, comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

(2) Section 5 comes into force on the 1st day of January, 1971. <sup>Idem</sup>

**7.** This Act may be cited as *The Drainage Amendment Act, 1970*. <sup>Short title</sup>



## CHAPTER 131

**An Act to amend  
The Ontario Municipal Employees  
Retirement System Act, 1961-62**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 7 of *The Ontario Municipal Employees Retirement System Act, 1961-62*, as re-enacted by section 1 of *The Ontario Municipal Employees Retirement System Amendment Act, 1968*, is amended by inserting after “year” in the first line “to and including the year 1969”, so that the subsection, exclusive of the clauses, shall read as follows:

- (1) In each year to and including the year 1969, the Treasurer of Ontario shall issue Province of Ontario debentures to become due and payable on the 31st day of December, 1973 for the amount of money accumulated to the credit of the Fund from time to time and not required for current expenditures, and,

. . . . .

(2) Clause *b* of subsection 1 of the said section 7 is amended by striking out “1973” in the fourth line and inserting in lieu thereof “1969”, so that the clause shall read as follows:

- (*b*) such debentures issued during the period commencing on the first day of January, 1968, and ending on the 31st day of December, 1969, shall bear interest at the rate of 6½ per cent per annum payable half-yearly.

(3) Subsections 3 and 4 of the said section 7 are repealed and the following substituted therefor:

Debenture  
authorized

- (3) Commencing with the year 1970, the Treasurer of Ontario shall issue to the Board at the end of each year a Province of Ontario debenture for the amount of money accumulated to the credit of the Fund from time to time and not required for current expenditures, such debenture to bear interest payable half-yearly at a rate of interest not less than the weighted average yield to maturity of the debentures and bonds issued or guaranteed by the Province in such year and such debenture to be for a term of not less than twenty years and not more than thirty years.

Yield and  
term of  
debenture

- (4) For the purposes of subsection 3, the weighted average yield to maturity of the debentures and bonds issued or guaranteed by the Province in a calendar year and the term of the debenture to be issued to the Board shall be as agreed upon between the Treasurer of Ontario and the Board and approved by the Lieutenant Governor in Council.

Commence-  
ment

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1970*.

## CHAPTER 132

# An Act to amend The Regional Municipality of York Act, 1970

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 177 of *The Regional Municipality of York Act, 1970* is repealed and the following substituted therefor: 1970, c. 50, s. 177, subs. 1, re-enacted

- (1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1970, form part of a town, village or township municipality or police village, shall be deemed to continue to form part of a town, village or township municipality or police village. Existing speed limits continued R.S.O. 1960, c. 172

(2) Subsection 3 of the said section 177 is amended by inserting after “municipality” in the first line “or by the trustees of a police village”, so that the subsection shall read as follows: 1970, c. 50, s. 177, subs. 3, amended

- (3) Every by-law passed by the council of a municipality or by the trustees of a police village under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1970, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto. Existing speed limits continued R.S.O. 1960, c. 172

**2.** This Act comes into force on the day it receives Royal Assent. Commencement

**3.** This Act may be cited as *The Regional Municipality of York Amendment Act, 1970*. Short title



## CHAPTER 133

## An Act to amend The Municipality of Metropolitan Toronto Act

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 17 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 1 of *The Municipality of Metropolitan Toronto Amendment Act, 1967* is amended by inserting after "280" in the second line "372, 373", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 260, s. 17,  
subs. 1  
(1967, c. 58,  
s. 1),  
amended

- (1) Sections 192, 193, 195, 197, 198, 199, 244, 253, 275 to 280, 372, 373, paragraphs 61 and 62 of section 377 and section 406a of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation.

Application  
of R.S.O.  
1960, c. 249

**2.** Section 24 of *The Municipality of Metropolitan Toronto Act*, as amended by section 5 of *The Municipality of Metropolitan Toronto Amendment Act, 1961-62*, section 3 of *The Municipality of Metropolitan Toronto Amendment Act, 1962-63*, section 2 of *The Municipality of Metropolitan Toronto Amendment Act, 1965* and section 7 of *The Municipality of Metropolitan Toronto Amendment Act, 1966*, is further amended by adding thereto the following subsections:

R.S.O. 1960,  
c. 260, s. 24,  
amended

- (4a) Where a pension plan of an area municipality or of a local board thereof or of the County of York or of the Toronto and York Roads Commission is amended to improve the pension benefits under the plan, the cost of such improvements in respect of an employee who on the day such pension plan is so amended is contributing under subsection 4 to the pension plan, shall, in respect of the service of the employee while employed by the Metropolitan Corporation or by a local board thereof, be determined by the actuary of the plan that is amended, after taking into consideration any excess of the assets of the pension plan over the actuarial liabilities of the plan immediately prior to

Improved  
pension  
benefits

the amendment, and the cost, except that portion, if any, that is payable by the employee, shall be payable by the Metropolitan Corporation or by a local board thereof over such period of time, subject to *The Pension Benefits Act, 1965*, as may be agreed upon by the municipalities or local boards affected.

1965, c. 96

Idem

(4b) Where the Metropolitan Corporation or a local board thereof does not accept the amount of the actuarial liability determined as provided for in subsection 4a or the period of time in which the cost mentioned in subsection 4a is payable, the municipalities or local boards affected shall appoint an actuary whose opinion on the matter shall be final and binding and, if such municipalities or local boards cannot agree on the appointment of an actuary, the Department shall appoint an actuary whose opinion on the matter shall be final and binding.

Transfer of  
funds to  
Metropolitan  
Toronto  
plan

(5a) An employee who has become a member of the pension plan of the Metropolitan Corporation or of a local board thereof in accordance with subsection 3 is entitled to elect a transfer of a sum of money to such pension plan from the pension plan of an area municipality or of a local board thereof or of the County of York or of the Toronto and York Roads Commission, in accordance with the provisions of subsection 5 of section 248c of *The Municipal Act*, whether or not such an employee is entitled to a refund from the pension plan of his contributions plus any interest thereon and, on the transfer of such a sum of money, the employee and his beneficiaries shall cease to have any rights under the pension plan of the area municipality or the local board thereof or of the County of York or of the Toronto and York Roads Commission.

R.S.O. 1960,  
c. 249

Idem

(5b) Where an employee elects a transfer of a sum of money under subsection 5a, the sum of money shall be transferred on the termination of the service of the employee with the Metropolitan Corporation or a local board thereof or, at the option of the area municipality or of a local board thereof or of the County of York or of the Toronto and York Roads Commission, at an earlier date.

R.S.O. 1960,  
c. 260,  
s. 110,  
subs. 6,  
re-enacted

**3.—**(1) Subsection 6 of section 110 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

- (6) Notwithstanding subsection 4, where a member of the Metropolitan Council is appointed as a member of the Commission he shall not be appointed for a term of office extending beyond his term of office on the Council, and he shall cease to be a member of the Commission upon ceasing to be a member of the Metropolitan Council.

(2) Subsection 10 of the said section 110 is amended by striking out "Three" in the first line and inserting in lieu thereof "A majority of the", so that the subsection shall read as follows:

- (10) A majority of the members of the Commission constitute a quorum.

4.—(1) Subsection 22 of section 238 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "Lieutenant Governor in Council" in the fourth line and in the seventh line and inserting in lieu thereof in each instance "Metropolitan Council", so that the subsection shall read as follows:

- (22) When sinking fund debentures are issued, there shall be a sinking fund committee which shall be composed of the treasurer of the Metropolitan Corporation and two members appointed by the Metropolitan Council, and the two appointed members shall be paid, out of the current fund of the Metropolitan Corporation, such annual remuneration as the Metropolitan Council may determine.

(2) Subsection 23 of the said section 238 is amended by striking out "Lieutenant Governor in Council" in the first line and inserting in lieu thereof "Metropolitan Council", so that the subsection shall read as follows:

- (23) The Metropolitan Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

5. This Act comes into force on the day it receives Royal Assent.

6. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1970 (No. 2)*.



## CHAPTER 134

## An Act to amend The Insurance Act

*Assented to November 13th, 1970*  
*Session Prorogued November 13th, 1970*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Insurance Act*, as amended by section 1 of *The Insurance Amendment Act, 1961-62*, section 1 of *The Insurance Amendment Act, 1964*, section 1 of *The Insurance Amendment Act, 1966* and section 1 of *The Insurance Amendment Act, 1968-69*, is further amended by adding thereto the following paragraph: R.S.O. 1960,  
c. 190, s. 1,  
amended

1b. "actuary" means a Fellow of the Canadian Institute of Actuaries.

**2.** Subsection 2 of section 18 of *The Insurance Act* is amended by striking out "*The Corporations Act*" in the third line and inserting in lieu thereof "this Act", so that the subsection shall read as follows: R.S.O. 1960,  
c. 190, s. 18,  
subs. 2,  
amended

(2) In his annual report the Superintendent shall allow as assets only such of the investments of the several insurers as are authorized by this Act, or by their Acts or instruments of incorporation, or by the general Acts applicable to such investments. Permissible  
investments

**3.** *The Insurance Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 190,  
amended

18a. The Superintendent may publish from time to time notices, reports, correspondence, results of hearings, decisions and any other matter considered by the Superintendent to be in the public interest. Publication  
by  
Superintendent

**4.—**(1) Subsection 1 of section 29 of *The Insurance Act*, as re-enacted by section 4 of *The Insurance Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 190, s. 29,  
subs. 1  
(1966, c. 71,  
s. 4),  
re-enacted

Capital  
requirements  
for licence

(1) A licence shall not be granted to a joint stock insurance company unless the company furnishes to the Superintendent satisfactory evidence that,

(a) if the company is applying for a licence to transact the business of life insurance, the company has paid up capital and surplus of not less than \$2,000,000, or such greater amount as the Minister in the circumstances may require, of which at least \$1,000,000 is paid up capital and at least \$500,000 is unimpaired surplus; and

(b) if the company is applying for a licence to transact any class or classes of business other than life insurance, the company has paid up capital and surplus of not less than \$1,000,000, or such greater amount as the Minister in the circumstances may require, of which at least \$500,000 is paid up capital and at least \$250,000 is unimpaired surplus.

Application  
of subs. 1

(2) Subsection 1 does not apply to a joint stock company licensed before the 1st day of January, 1971.

R.S.O. 1960,  
c. 190, s. 32,  
subs. 3,  
re-enacted

5. Subsection 3 of section 32 of *The Insurance Act* is repealed and the following substituted therefor:

Conditions  
precedent to  
issue of  
licence  
R.S.O. 1960,  
c. 71

(3) The Minister shall not issue the licence until he is satisfied that all the requirements of this Act and of *The Corporations Act* as to the subscriptions for shares in the capital of the insurer, the payment of money by shareholders on account of their subscriptions, the election of directors and other preliminaries have been complied with, and unless he is satisfied that the expenses of incorporation and organization, including any commission payable in connection with subscriptions for shares in the capital of the insurer, are reasonable.

R.S.O. 1960,  
c. 190, s. 34,  
subs. 2,  
re-enacted

6. Subsection 2 of section 34 of *The Insurance Act* is repealed and the following substituted therefor:

Term of  
licence

(2) The licence expires on the 30th day of June in each year, subject to renewal by the Superintendent on or before that date.

Conditions  
of licence

(3) Any licence may be issued or renewed subject to such limitations or conditions as the Minister considers appropriate.

- (4) Notwithstanding subsections 2 and 3, the Minister <sup>Variation of licence</sup> may at any time and in respect of any licence of an insurer,

- (a) reduce the term for which the licence was issued or renewed;
- (b) impose any conditions or limitations relating to the carrying on of the insurer's business that he considers appropriate; or
- (c) vary, amend or revoke any condition or limitation to which the licence is then subject,

but the Minister may not exercise any power granted under this subsection until he has given the insurer notice of his intention to exercise such power and has afforded the insurer a reasonable opportunity to be heard with respect thereto.

**7.** *The Insurance Act* is amended by adding thereto the <sup>R.S.O. 1960, c. 190, amended</sup> following sections:

37a.—(1) Where it comes to the attention of the <sup>Assets not accounted for</sup> Superintendent that an insurer incorporated or organized under the laws of Ontario may not be able to account satisfactorily for any assets that appear on its books and, upon investigation, the Superintendent is satisfied that any such assets cannot be satisfactorily accounted for and that the circumstances so warrant, he may immediately take possession and control of the assets of such insurer and maintain such control on his own initiative for a period of seven days and, with the concurrence of the Minister, for any longer period that the Minister may order for the purpose of his report under subsection 1 of section 37b.

- (2) The Superintendent may release any assets under his <sup>Release of assets</sup> possession and control that he considers advisable for the purposes of the insurer.

37b.—(1) Where the Superintendent is of the opinion <sup>Report to Minister</sup> that the assets of an insurer incorporated or organized under the laws of Ontario are not sufficient to justify its continuance in business or to provide for its obligations under its policies he shall so report to the Minister.

Remedial  
powers  
of the  
Minister

- (2) Where the Minister, after full consideration of the matter and after a reasonable time has been given to the insurer to be heard by him, and upon such further inquiry or investigation as he sees fit to make, agrees with the opinion of the Superintendent under subsection 1, the Minister may do one or both of the following,

(a) make the insurer's licence subject to such limitations or conditions as he considers appropriate;

(b) prescribe a time within which the insurer shall make good any deficiency of assets.

Subsequent  
action

- (3) If the insurer fails to make good any deficiency of assets within the time that has been prescribed under clause *b* of subsection 2, or any extension thereof subsequently given by the Minister, the Minister shall submit the report of the Superintendent to the Lieutenant Governor in Council and the Lieutenant Governor in Council, if he agrees with the report, may order the Superintendent to take possession and control of the assets of the insurer and the Superintendent shall deliver a copy of the order to an officer of the insurer.

Appointment  
of  
appraisers

- (4) For the purposes of this section, the Minister may appoint such persons as he considers necessary to value and appraise the assets and liabilities of the insurer and report upon its condition and its ability, or otherwise, to meet its liabilities.

Power of  
Superinten-  
dent  
upon taking  
control

- 37c.—(1) If so ordered by the Lieutenant Governor in Council under section 37*b*, the Superintendent shall take possession and control of the assets of the insurer and shall thereafter conduct its business and take such steps as in his opinion should be taken toward its rehabilitation, and for such purposes the Superintendent has all the powers of the board of directors of the insurer, and, without limiting the generality of the foregoing, the Superintendent may,

(a) exclude the directors, officers, servants and agents of the insurer from the premises, property and business of the insurer; and

(b) carry on, manage and conduct the operations of the insurer and in the name of the insurer

preserve, maintain, realize, dispose of and add to the property of the insurer, receive the incomes and revenues of the insurer and exercise all the powers of the insurer.

- (2) While the Superintendent has possession and control of the assets of an insurer under this section, the Minister may direct the Superintendent to apply to the court for an order for the winding up of the insurer under Part VII of *The Corporations Act*. Application to court  
R.S.O. 1960.  
c. 71
- (3) Where the Superintendent is in possession and control of the assets of an insurer and is conducting its business, he may appoint one or more persons to manage and operate the business of the insurer and, Appointment of managers
- (a) each person so appointed is a representative of the Superintendent; and
- (b) the remuneration of any such person, other than an employee of the office of the Superintendent, shall be fixed by the Minister.
- (4) Whenever the Minister believes that an insurer, whose assets are in the possession and control of the Superintendent meets all the requirements of this Act and that it is otherwise proper for the insurer to resume possession and control of its assets and the conduct of its business, the Minister may, in writing, direct the Superintendent to relinquish to the insurer the possession and control of its assets, and from and after the date specified in such direction the powers of the Superintendent under this section cease. Relinquishing control
- (5) If the Minister, on the report of the Superintendent, considers that further efforts to rehabilitate an insurer, whose assets are in the possession and control of the Superintendent would be futile, he may, in writing, direct the Superintendent to relinquish to the insurer the possession and control of its assets, and from and after the date specified in such direction the powers of the Superintendent under this section cease. Where rehabilitation efforts futile
- (6) The expenses of the Superintendent incurred in rehabilitation proceedings under this section and sections 37a and 37b shall be paid by all insurers licensed under this Act to carry on business of the same class or classes as the insurer who is the subject Expenses of proceedings

of the proceedings, and the share of each shall be the proportion of the expenses that the net premium income received from the insurer's policyholders in Ontario in its last preceding fiscal year bears to the total net premium income received from the policyholders in Ontario by all insurers of that class in their respective last preceding fiscal years.

Advisory  
committee

- (7) The insurers required to bear the said expenses of the Superintendent may appoint a committee of not more than six members to advise the Superintendent in respect of all matters pertinent to the rehabilitation of the insurer whose assets are in the possession and control of the Superintendent.

Appeal

- 37*d*.—(1) Notwithstanding section 37*c*, an insurer may appeal to a judge of the Court of Appeal from any order made by the Lieutenant Governor in Council under section 37*b* within thirty days after the delivery of a copy of the order to an officer of the insurer, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action.

Stay

- (2) An order of the Lieutenant Governor in Council under section 37*b* shall take effect immediately, but where there is an appeal, a judge of the Court of Appeal may grant a stay until any appeal is disposed of.

Material  
on appeal

- (3) The Minister shall certify to the Registrar of the Supreme Court,
- (a) the decision of the Lieutenant Governor in Council;
  - (b) the reports of the Superintendent to the Minister or the Lieutenant Governor in Council;
  - (c) the record of any hearing; and
  - (d) all written submissions by the appellant to the Superintendent, the Minister or the Lieutenant Governor in Council.

Representa-  
tion

- (4) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

- (5) Where an appeal is taken under this section, the judge may by order direct the Superintendent to take such action as the judge considers proper or refrain from taking any action specified in the order and the Superintendent shall act accordingly. <sup>Order</sup>
- (6) The order of the judge is final and there is no appeal therefrom, but, notwithstanding the order, the Minister and the Lieutenant Governor in Council have power to make any further reports and orders on new material or where there is a material change in the circumstances, and any such further order is subject to appeal under this section. <sup>Further decision</sup>

8. *The Insurance Act* is amended by adding thereto the following section: <sup>R.S.O. 1960, c. 190, amended</sup>

74. No transfers of shares of an insurer shall be entered in the book or books maintained for that purpose until thirty days after notice thereof has been deposited with the Superintendent if, <sup>Report on share transfers</sup>
- (a) the transfer relates to 10 per cent or more of the issued shares of the insurer for the time being enjoying voting rights; or
- (b) the directors have reason to believe that the transfer would result in a majority of the issued shares of the insurer for the time being enjoying voting rights being beneficially owned by any one person.

9. Section 80a as enacted by section 3 of *The Insurance Amendment Act, 1961-62*, and section 80b as enacted by section 5 of *The Insurance Amendment Act, 1962-63*, of the *Insurance Act* are repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 190, s. 80a (1961-62, c. 63, s. 3), s. 80b, (1962-63, c. 64, s. 5), re-enacted</sup>

- 80a.—(1) Any insurer incorporated and licensed under the laws of Ontario to transact the business of life insurance may, <sup>Authorization for variable contracts based on segregated funds</sup>
- (a) issue policies for which the reserves vary in amount with the market value of a specified group of assets; and
- (b) retain for investment,
- (i) policy dividends,

- (ii) policy proceeds that become payable on surrender or maturity of the policy not less than five years from the date of its issue if the policyholder so directs, and
- (iii) policy proceeds that become payable on the death of the policyholder if the policyholder or beneficiary so directs,

on the basis that the liability of the insurer in respect thereof varies in amount with the market value of a specified group of assets,

and the insurer shall maintain in respect of such policies, dividends and proceeds, as the case may be, one or more separate and distinct funds with separate assets for each such fund.

How fund  
created

- (2) For the purpose of creating a separate and distinct fund under subsection 1, an insurer may, if duly authorized by by-law,
  - (a) make a transfer from the shareholders' fund but the amount so transferred shall not exceed the surplus in the shareholders' fund; and
  - (b) make a transfer of assets from one or more life insurance funds, but,
    - (i) the maximum amount that may be transferred from any life insurance fund is the amount by which 25 per cent of the surplus in that fund exceeds the aggregate of all prior transfers from that fund to all such separate and distinct funds under this subsection and clause *b* of subsection 3 less the aggregate of all prior transfers to that fund pursuant to clause *a* of subsection 5; and
    - (ii) the maximum amount that may be transferred from all life insurance funds is the amount by which 10 per cent of the surplus in those funds or \$2,000,000, whichever is the lesser, exceeds the aggregate of all prior transfers from those funds to all such separate and distinct funds pursuant

to

to this subsection and clause *b* of subsection 3 less the aggregate of all prior transfers to all life insurance funds pursuant to clause *a* of subsection 5.

- (3) For the purpose of maintaining a separate and distinct fund under subsection 1, an insurer may from time to time make transfers from a life insurance fund, <sup>Transfers to fund</sup>
- (a) to the extent that the assets of the separate and distinct fund are not sufficient to provide for any benefits guaranteed under the terms of the policies for which the separate fund is held; or
  - (b) in any case other than that mentioned in clause *a*, if the insurer provides evidence satisfactory to the Superintendent that such transfers are necessary for the proper administration of the policies or deposits for which the separate fund is held.
- (4) Where for the purposes of subsection 2 the surplus <sup>Surplus</sup> in any fund is required to be determined, the surplus shall be taken as shown in the most recent annual statement filed with the Superintendent.
- (5) Where a separate and distinct fund is maintained <sup>Segregation of assets for policies</sup> under subsection 1, the assets of such fund shall, subject to subsection 3, be available only to meet the liabilities arising under the policies or deposits in respect of which such fund is maintained, except that,
- (a) any amount representing the value of a transfer, or any part thereof, to such separate and distinct fund under subsection 2 or clause *b* of subsection 3, may, with the approval of the Superintendent, be transferred back to the fund or funds from which such transfer was made, and, where there is more than one such fund, the amount transferred back to each shall be that proportion of the whole amount that the amount transferred from that fund to the separate and distinct fund was to the total amount so transferred from all the funds; and
  - (b) any assets, other than assets in respect of a transfer to the separate and distinct fund

under

under subsection 2 or clause *b* of subsection 3, remaining in the separate and distinct fund after the discharge of all the insurer's liabilities in respect of the policies or deposits for which the fund is maintained, may be transferred to such other fund as the directors may determine.

Value of  
transfers

- (6) For the purposes of clause *b* of subsection 2, the value of any assets transferred to or from a separate and distinct fund shall be taken as the value thereof at the time of transfer to that fund and, for all other purposes, the value from time to time of any assets that have been transferred to a separate and distinct fund maintained under subsection 1 shall be the market value of such assets.

Exception  
from  
investment  
limitations

- (7) Where a separate and distinct fund is maintained under subsection 1, the percentage limits specified in clauses *e* and *f* of section 357 do not apply to the investments and loans constituting the assets of the fund and in the application of those limits to the insurer as a whole the assets of any such separate fund shall not be taken into account.

Definition  
of variable  
insurance  
contracts

- 80b.—(1) In this section, “variable insurance contract” means an annuity or life insurance contract for which the reserves or a part thereof vary in amount with the market value of a specified group of assets held in a separate and distinct fund and includes a life insurance contract under which policy dividends or policy proceeds may be retained for investment in such a fund.

Prohibition

- (2) No insurer shall issue a variable insurance contract or offer to enter into a variable insurance contract that under this Act would be deemed to be made in Ontario until there has been filed with the Superintendent a specimen form of such variable insurance contract, an information folder pertaining thereto and such other material as may be required under the regulations and a receipt therefor has been obtained from the Superintendent.

Form of  
contract

- (3) The forms of variable insurance contracts and information folders with respect thereto shall comply with the requirements of Part V of this Act and the regulations.

- (4) The information folder shall provide brief and plain disclosure of all material facts relating to the variable insurance contract and shall contain a certificate to that effect signed by the chief executive officer and the chief financial officer of the insurer or such other persons as the regulations may prescribe. <sup>Form of information folder</sup>
- (5) No application for a variable insurance contract shall be accepted by an insurer until the insurer has delivered to the applicant therefor a copy of the latest information folder relating thereto that is on file with the Superintendent. <sup>Delivery of information folder</sup>
- (6) So long as an insurer continues to issue a variable insurance contract in respect of which it has filed an information folder, it shall, <sup>New information folders</sup>

(a) forthwith after the occurrence of any material change in the contract or in any other facts set out in the latest information folder so filed; and

(b) within thirteen months after the date of filing of the latest information folder so filed, or such other period of time as may be provided by the regulations,

file with the Superintendent a new information folder in respect thereof.

- (7) Where it appears to the Superintendent that, <sup>Prohibition order</sup>
- (a) an information folder or any other document filed with the Superintendent by an insurer with respect to a variable insurance contract,
- (i) fails to comply in any substantial respect with the requirements of this Act or the regulations,
- (ii) contains any promise, estimate, illustration or forecast that is misleading, false or deceptive, or
- (iii) conceals or omits to state any material fact necessary in order to make any statement contained therein not misleading in the light of the circumstances in which it was made; or

(b)

- (b) the financial condition of the insurer or its method of operation in connection with the issuance of its variable insurance contracts will not afford sufficient protection to prospective purchasers of such variable insurance contracts in Ontario,

the Superintendent shall report the same to the Minister and the Minister, if he concurs in the report and after affording the insurer an opportunity to be heard, may order the Superintendent to prohibit the insurer from continuing to issue such variable insurance contracts in Ontario.

#### Regulations

- (8) The Lieutenant Governor in Council may make regulations,
  - (a) prescribing the form and content of variable insurance contracts;
  - (b) prescribing the form, content and time of filing and delivery of information folders;
  - (c) for the furnishing of information by an insurer or an agent thereof to prospective purchasers of variable insurance contracts;
  - (d) prescribing the documents, reports, statements, agreements and other information required to be filed, furnished or delivered under this section, and the form and content thereof.

#### Separate accounts

- 80c. Every insurer licensed to transact life insurance shall keep separate and distinct accounts of participating and non-participating business.

R.S.O. 1960,  
c. 190,  
amended

- 10.** *The Insurance Act* is amended by adding thereto the following section:

Reporting on  
applications  
to register  
under  
R.S.C. 1952,  
c. 31

- 86a. An insurer incorporated under the laws of Ontario shall notify the Superintendent fourteen days in advance of making application for registration under Part IX of the *Canadian and British Insurance Companies Act* (Canada) or any similar enactment or regulation of the Government of Canada.

R.S.O. 1960,  
c. 190, s. 88,  
subs. 3, cl. c,  
re-enacted

- 11.** Clause c of subsection 3 of section 88 of *The Insurance Act* is repealed and the following substituted therefor:

- (c) governing group insurance contracts or schemes, or any class thereof including prescribing and regulating their terms and conditions, qualifications for

membership

membership in groups and regulating the marketing of group insurance contracts or schemes;

- (ca) prescribing and defining the terms and conditions upon which an insurer licensed to transact the business of life insurance may invest its funds in fully paid shares of other corporations under the provisions of this Act.

**12.** Subsection 2 of section 98 of *The Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 190, s. 98,  
subs. 2,  
re-enacted

- (2) An insurer who neglects or refuses to comply with subsection 1 is guilty of an offence, and in addition section 99 is not available to the insurer as a defence to an action brought, after such neglect or refusal, for the recovery of moneys alleged to be payable under the contract of insurance.

Offence

**13.**—(1) Subcondition 1 of statutory condition 2 of section 204 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by adding thereto the following clause:

R.S.O. 1960,  
c. 190, s. 204  
(1966, c. 71,  
s. 11),  
stat. cond. 2,  
subcond. 1,  
amended

- (ba) while his licence to drive or operate an automobile is suspended or while his right to obtain a licence is suspended or while he is prohibited under order of any court from driving or operating an automobile; or

. . . . .

(2) Subcondition 2 of statutory condition 2 of the said section 204 is amended by adding thereto the following clause:

R.S.O. 1960,  
c. 190, s. 204  
(1966, c. 71,  
s. 11),  
stat. cond. 2,  
subcond. 1,  
amended

- (ba) by any person who is a member of the household of the insured while his licence to drive or operate an automobile is suspended or while his right to obtain a licence is suspended or while he is prohibited under order of any court from driving or operating an automobile; or

. . . . .

**14.** Part VI of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966* and amended by sections 2, 3, 4, 5 and 6 of *The Insurance Amendment Act, 1967*, section 5 of *The Insurance Amendment Act, 1968* and sections 10, 11, 12, 13, 14 and 15 of *The Insurance Amendment Act, 1968-69*, is further amended by adding thereto the following sections:

R.S.O. 1960  
c. 190,  
Pt. VI  
(1966, c. 71  
s. 11),  
amended

Liability  
from  
ownership

211a. Liability arising from contamination of property carried in an automobile shall not be deemed to be liability arising from the ownership, use or operation of such automobile.

. . . . .

Advance  
payments  
and release  
by claimant

220a.—(1) Where an insurer makes a payment on behalf of an insured under a contract evidenced by a motor vehicle liability policy to a person who is or alleges himself to be entitled to recover from the insured covered by the policy, the payment constitutes, to the extent of the payment, a release by the person or his personal representative of any claim that the person or his personal representative or any person claiming through or under him or by virtue of *The Fatal Accidents Act* may have against the insured and the insurer.

R.S.O. 1960,  
c. 138

Idem

(2) Nothing in this section precludes the insurer making the payment from demanding, as a condition precedent to such payment, a release from the person or his personal representative or any other person to the extent of such payment.

Payment  
to be  
taken into  
account

(3) Where the person commences an action, the court shall adjudicate upon the matter first without reference to the payment but in giving judgment the payment shall be taken into account and the person shall only be entitled to judgment for the net amount, if any.

Intention

(4) The intention of this section is to permit payments to a claimant without prejudice to the defendant or his insurer, either as an admission of liability or otherwise, and the fact of any payment shall not be disclosed to the judge or jury until after judgment but before formal entry thereof.

R.S.O. 1960,  
c. 190,  
s. 261, cl. a,  
repealed

**15.** Clause *a* of section 261 of *The Insurance Act* is repealed.

R.S.O. 1960,  
c. 190,  
s. 342,  
re-enacted

**16.** Section 342 of *The Insurance Act* is repealed and the following substituted therefor:

Interpre-  
tation

342. In this Part, "reinsurance" means an agreement whereby contracts made in Ontario by a licensed insurer incorporated or organized under the laws of Ontario or any class or group of such contracts are undertaken or reinsured by another insurer either by novation, transfer or assignment or as a result of amalgamation of the insurers.

**17.** *The Insurance Act* is amended by adding thereto the following Parts: R.S.O. 1960,  
c. 190,  
amended

## PART XVII

### INVESTMENTS

354. In this Part, “insurer” means an insurer incorporated or organized under the laws of Ontario and in section 355 includes only a joint stock insurance company, a fraternal society, a mutual insurance corporation and a cash-mutual insurance corporation. Interpre-  
tation

355.—(1) An insurer may invest its funds or any portion thereof in, Investment  
powers

(a) the bonds, debentures, stocks or other evidences of indebtedness issued or guaranteed by the government of, Government  
bonds

(i) Canada, Australia, Ceylon, India, New Zealand, Pakistan, the Republic of South Africa, the United Kingdom, or any province or state thereof, or Rhodesia or the Republic of Ireland,

(ii) a colony of the United Kingdom,

(iii) the United States of America or a state thereof,

(iv) a country in which the insurer is carrying on business, or a province or state thereof, or

(v) a colony, dependency, territory or possession of any country in which the insurer is carrying on business;

(b) the bonds, debentures or other evidences of indebtedness issued or guaranteed by a municipal corporation in Canada or elsewhere where the insurer is carrying on business, or by a school corporation in Canada or elsewhere where the insurer is carrying on business, or secured by rates or taxes levied under the authority of the government of a province of Canada on property situate in such province and collectable by the municipalities in which such property is situate; municipal  
etc.,  
securities

(c) the bonds, debentures or other securities issued or guaranteed by the International Bank for Reconstruction and Development; bonds issued  
or  
guaranteed  
by the  
International  
Bank, etc.

(d)

bonds issued  
or  
guaranteed  
by the  
Inter-  
American  
Development  
Bank

federal  
subsidy  
bonds

bonds  
secured by  
provincial  
subsidy

debentures  
secured by  
statutory  
charge on  
real estate,  
plant or  
equipment

revenue  
bonds

- (d) the bonds, debentures or other securities issued or guaranteed by the Inter-American Development Bank or by the Asian Development Bank;
- (e) the bonds or debentures issued by a corporation that are secured by the assignment to a trust company in Canada of an annual payment that the Government of Canada has agreed to make, if such annual payment is sufficient to meet the interest falling due on the bonds or debentures outstanding and the principal amount of the bonds or debentures maturing for payment in the year in which the annual payment is made;
- (f) the bonds or debentures issued by a charitable, educational or philanthropic corporation that are secured by the payment, assignment or transfer to a trust company in Canada of subsidies, payable by or under the authority of a province of Canada, sufficient to meet the interest as it falls due on the bonds or debentures and the principal amount of the bonds or debentures on maturity;
- (g) the bonds, debentures or other evidences of indebtedness issued by a corporation that are fully secured by statutory charge upon real estate or upon the plant or equipment of the corporation used in the transaction of its business, if interest in full has been paid regularly for a period of at least ten years immediately preceding the date of investment in such bonds, debentures or other evidences of indebtedness upon the securities of that class of the corporation then outstanding;
- (h) the bonds, debentures or other evidences of indebtedness issued by an authority or other body without share capital established and empowered pursuant to the law of a country in which the insurer is carrying on business, or of a province or state thereof, or of a colony, dependency, territory or possession thereof in which the insurer is carrying on business, to administer, regulate the administration of, provide or operate port, harbour, airport, bridge, highway, tunnel, transportation, communication, sanitation, water, electricity or gas services or facilities and, for any of these

purposes

purposes, to levy, impose or make taxes, rates, fees or other charges that,

- (i) may be used only in carrying out the objects of the authority or other body and are sufficient to meet its operating, maintenance and debt service charges, or
  - (ii) in the case of an authority constituted by an Act of a national government, are fixed or authorized by law or subject to the approval of the government or a minister or ministry thereof or of a body responsible to the government or the minister or ministry;
- (i) the bonds, debentures or other evidences of indebtedness issued by a corporation that are <sup>bonds, etc. secured by mortgage</sup> fully secured by a mortgage, charge or hypothec to a trustee or to the insurer upon any, or upon any combination, of the following assets,
- (i) real estate or leaseholds,
  - (ii) the plant or equipment of a corporation that is used in the transaction of its business, or
  - (iii) bonds, debentures or other evidences of indebtedness or shares, of a class authorized by this subsection as investments, or cash balances if such bonds, debentures or other evidences of indebtedness, shares or cash balances are held by a trustee,

and the inclusion, as additional security under the mortgage, charge or hypothec, of any other assets not of a class authorized by this Act as investments shall not render such bonds, debentures or other evidences of indebtedness ineligible as an investment;

- (j) obligations or certificates issued by a trustee <sup>equipment trust certificates</sup> to finance the purchase of transportation equipment for a corporation incorporated in Canada or the United States of America to be used on railways or public highways, if the obligations or certificates are fully secured by,
- (i) an assignment of the transportation equipment to, or the ownership thereof by, the trustee, and

debentures

- (ii) a lease or conditional sale thereof by the trustee to the corporation;
- (k) the bonds, debentures or other evidences of indebtedness issued or guaranteed by,
  - (i) a corporation if, at the date of investment, the preferred shares or the common shares of the corporation are authorized as investments by clause *m* or *n*, or
  - (ii) a corporation if its earnings in a period of five years ended less than one year before the date of investment have been equal in sum total to at least ten times and in each of any four of the five years have been equal to at least  $1\frac{1}{2}$  times the annual interest requirements at the date of investment on all indebtedness of or guaranteed by it, other than indebtedness classified as a current liability in its balance sheet, and, if the corporation at the date of investment owns directly or indirectly more than 50 per cent of the common shares of another corporation, the earnings of the corporations during the said period of five years may be consolidated with due allowance for minority interests, if any, and in that event the interest requirements of the corporation shall be consolidated and such consolidated earnings and consolidated interest requirements shall be taken as the earnings and interest requirements of the corporation, and, for the purpose of this subclause, "earnings" means earnings available to meet interest charges on indebtedness other than indebtedness classified as a current liability;

guaranteed  
investment  
certificates

- (l) guaranteed investment certificates issued by a trust company incorporated in Canada if, at the date of investment, the preferred shares or the common shares of the trust company are authorized as investments by clause *m* or *n*;

preferred  
shares

- (m) the preferred shares of a corporation if,
  - (i) the corporation has paid a dividend in each of the five years immediately

preceding

preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or

- (ii) the common shares of the corporation are, at the date of investment, authorized as investments by clause *n*;

- (*n*) the fully paid common shares of a corporation <sup>common shares</sup> that during a period of five years that ended less than one year before the date of investment has either,

- (i) paid a dividend in each such year upon its common shares, or

- (ii) had earnings in each such year available for the payment of a dividend upon its common shares,

of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid or in which the corporation had earnings available for the payment of dividends, as the case may be;

- (*o*) ground rents, mortgages, charges or hypothecs <sup>real estate mortgages</sup> on real estate or leaseholds in Canada or in any country in which the insurer is carrying on business, but the amount paid for the mortgage, charge or hypothec together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or prior to the mortgage, charge or hypothec in which the investment is made shall not exceed three-quarters of the value of the real estate or leasehold covered thereby;

- (*p*) mortgages, charges or hypothecs on real estate <sup>guaranteed or insured real estate mortgages</sup> or leaseholds in Canada or in any country in which the insurer is carrying on business or bonds or notes secured by such mortgages, charges or hypothecs, notwithstanding that the mortgage, charge or hypothec exceeds the amount that the insurer is otherwise authorized to invest, if the excess is guaranteed or insured by, or through an agency of, the

government

R.S.C. 1952,  
cc. 31, 125

real estate  
for the  
production  
of income

government of the country in which the real estate or leasehold is situated or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed under this Act, the *Canadian and British Insurance Companies Act* (Canada) or the *Foreign Insurance Companies Act* (Canada);

(q) real estate or leaseholds for the production of income in Canada or in any country in which the insurer is carrying on business, either alone or jointly with any other insurance company transacting the business of insurance in Canada or with any loan corporation or trust company incorporated in Canada, if,

(i) a lease of the real estate or leasehold is made to, or guaranteed by,

(A) the government, or an agency of the government, of the country in which the real estate or leasehold is situated or of a province, state or municipality of that country, or

(B) a corporation, the preferred shares or common shares of which are, at the date of investment, authorized as investments by clause *m* or *n*,

(ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested in the real estate or leasehold within the period of the lease but not exceeding thirty years from the date of investment, and

(iii) the total investment of an insurer in any one parcel of real estate or in any one leasehold does not exceed 2 per cent of the book value of the total assets of the insurer,

and the insurer may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold;

(r)

- (r) real estate or leaseholds for the production of income in Canada or in any country in which the insurer is carrying on business, either alone or jointly with any other insurance company transacting the business of insurance in Canada or with any loan corporation or trust company incorporated in Canada, if,

(i) the real estate or leasehold has produced, in each of the three years immediately preceding the date of investment, net revenue in an amount that, if continued in future years, would be sufficient to yield a reasonable interest return on the amount invested in the real estate or leasehold and to repay at least 85 per cent of that amount within the remaining economic lifetime of the improvements to the real estate or leasehold but not exceeding forty years from the date of investment, and

(ii) the total investment of an insurer in any one parcel of real estate or in any one leasehold does not exceed 2 per cent of the book value of the total assets of the insurer,

and the company may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold.

- (2) An insurer may lend its funds or any portion thereof on the security of,

(a) any bonds, debentures or other evidences of indebtedness, shares or other securities in which the insurer may invest its funds under subsection 1 but the amount of the loan, together with the amount invested therein, if any, shall not exceed in the aggregate the amount that might be invested therein under this Part;

(b) real estate or leaseholds for a term of years or other estate or interest in real estate in Canada or in any country in which the insurer is carrying on business but the amount of the loan together with the amount of indebtedness

under

under any mortgage, charge or hypothec on the real estate or interest therein ranking equally with or prior to the loan shall not exceed 75 per cent of the value of the real estate or interest therein, except that an insurer may accept as part payment for real estate sold by it a mortgage, charge or hypothec for more than 75 per cent of the sale price of the real estate; or

guaranteed  
or insured  
real estate  
mortgages

- (c) real estate or leaseholds in Canada or in any country in which the insurer is carrying on business, notwithstanding that the loan exceeds the amount that the insurer is otherwise authorized to lend, if, to the extent of the excess, the mortgage, charge or hypothec thereon securing the loan is guaranteed or insured by, or through an agency of, the government of the country in which the real estate or leasehold is situated or of a province or state of that country or is insured by a policy of mortgage insurance issued by an insurance company licensed under this Act, the *Canadian and British Insurance Companies Act* (Canada) or the *Foreign Insurance Companies Act* (Canada).

R.S.C. 1952,  
cc. 31, 125

Securities  
received on  
reorganiza-  
tion,  
liquidation  
or  
amalgama-  
tion

- (3) Where an insurer owns securities of a corporation and as a result of a *bona fide* arrangement for the reorganization or liquidation of the corporation or for the amalgamation of the corporation with another corporation, such securities are to be exchanged for bonds, debentures or other evidences of indebtedness or shares not authorized as investments by the foregoing provisions of this section, the insurer may accept such bonds, debentures or other evidences of indebtedness or shares and they shall be allowed as assets of the insurer in the annual report prepared by the Superintendent for the Minister, only for a period of five years after their acceptance, or such further period as the Lieutenant Governor in Council determines, unless it is shown to the satisfaction of the Lieutenant Governor in Council that such bonds, debentures or other evidences of indebtedness or shares are not inferior in status or value to the securities for which they have been substituted or unless they become eligible as investments under subsection 1.

- (4) an insurer who is a joint stock insurance company or a cash-mutual insurance corporation may make investments or loans not hereinbefore authorized by this section subject to the following provisions,
- (a) investments in real estate or leaseholds under this subsection shall be made only for the production of income, and may be made by the insurer in Canada or in any country in which the insurer is carrying on business, either alone or jointly with any other insurance company transacting the business of insurance in Canada, and the insurer may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of an insurer under this subsection in any one parcel of real estate or in any one leasehold shall not exceed 1 per cent of the book value of the total assets of the insurer; Other assets  
real estate for the production of income
  - (b) this subsection shall be deemed not to enlarge the authority conferred by subsections 1 and 2 to invest in mortgages, charges or hypothecs and to lend on the security of real estate or leaseholds; and exemption
  - (c) the total book value of the investments and loans made under this subsection and held by the insurer excluding those that are or at any time since acquisition have been authorized as investments apart from this subsection, shall not exceed 7 per cent of the book value of the total assets of the insurer. limitation
- (5) An insurer licensed to transact the business of life insurance may invest or lend its life insurance funds or any portion thereof in the purchase of, or on the security of, policies of life insurance issued by the insurer or by any other insurance company licensed to transact the business of life insurance in Canada. Life insurance policies
- (6) Notwithstanding anything in this Act or in any other Act, an insurer may, National Housing Acts
- (a) lend its funds or any portion thereof on the security of real estate pursuant to the *National Housing Act, 1954* (Canada) or any amendments thereto, or may make loans on the security of real estate or leaseholds or other 1953-54, c. 23 (Can)

estate or interest therein in excess of 75 per cent of the value of the real estate or interest therein that forms the security for such loan or in excess of the amount that may be loaned in accordance with that Act or any amendments thereto, where the amount of the excess is guaranteed by the Lieutenant Governor in Council or by a municipality under *The Housing Development Act*;

R.S.O. 1960,  
c. 182

1953-54,  
c. 23 (Can)

- (b) if it is licensed to transact the business of life insurance, cause to be formed, or may join with one or more insurance companies licensed to transact the business of life insurance in forming one or more institutional holding companies and one or more institutional housing corporations as defined in the *National Housing Act, 1954* (Canada), and may invest its funds in shares or debentures of such holding companies and in shares of such housing corporations to an aggregate amount that, when added to the aggregate amount invested by such insurer under clause *c*, does not exceed 5 per cent of its total assets in Canada allowed by the Superintendent; and
- (c) if it is licensed to transact the business of life insurance, invest its funds to an aggregate amount not exceeding 5 per cent of its total assets in Canada allowed by the Superintendent in any other classes or types of investment pursuant to the *National Housing Act, 1954* (Canada) or any amendments thereto, including the purchase of land, the improvement thereof, construction of buildings thereon, and the management and disposal of such land and buildings.

Guaranteed  
loans under  
1964-65,  
c. 24 (Can)  
R.S.C. 1952,  
c. 110,  
1955, c. 46  
(Can),  
1960-61,  
c. 5 (Can)

- (7) An insurer may make guaranteed loans under and in accordance with the provisions of the *Canada Student Loans Act* (Canada), the *Farm Improvement Loans Act* (Canada), the *Fisheries Improvement Loans Act* (Canada) or the *Small Businesses Loans Act* (Canada).

Power to  
invest in  
shares of  
certain  
corporations

- (8) Notwithstanding anything in subsection 1, an insurer licensed under the laws of Ontario to transact the business of life insurance may invest its funds in the fully paid shares of,

(a)

- (a) any corporation incorporated outside Canada to undertake contracts of life insurance;
- (b) any corporation incorporated to provide the insurer or a corporation mentioned in clause *a* with advisory, management or sales distribution services in respect of life insurance contracts or annuities the reserves for which vary in amount depending on the market value of a specified group of assets maintained in a separate and distinct fund;
- (c) any corporation incorporated under the laws of Canada or any province thereof to undertake contracts of insurance other than contracts of life insurance;
- (d) any corporation incorporated to acquire, hold, maintain, improve, lease or manage real estate or leaseholds;
- (e) any corporation incorporated to offer public participation in an investment portfolio;
- (f) any corporation incorporated to provide a corporation mentioned in clause *e* with advisory, management or sales distribution services; or
- (g) with the prior approval of the Minister, any corporation incorporated to carry on any other business reasonably ancillary to the business of insurance,

subject to such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

- (9) An insurer may take any additional securities of any nature to further secure repayment to it of any loan or investment or to further secure the sufficiency of any of the securities in or upon which it is by this section authorized to invest or lend any of its funds. Additional security may be taken
- (10) Where the constitution, by-laws or rules of an insurer prescribe the securities in which its funds may be invested, nothing in this section enlarges the power of investment. By-laws to prevail
- (11) The Superintendent may direct an insurer to dispose of and realize any of its investments acquired after Disposal of unauthorized investments

the 1st day of May, 1928, and not authorized by this Part, and such insurer shall within sixty days after receiving such direction absolutely dispose of and realize such investments, and, if the amount realized therefrom falls below the amount paid by such insurer for such investments, the directors of the insurer are jointly and severally liable for the payment to such insurer of the amount of the deficiency, but if any director present at the meeting at which such investment is authorized, forthwith, or if any director then absent, within twenty-four hours after he becomes aware of such investment and is able to do so, delivers or sends to the insurer by registered mail his protest against such investment, and, within eight days thereafter, sends a copy thereof by registered mail to the Superintendent, such director thereby and not otherwise exonerates himself from such liability.

Investments  
of other  
insurers

356. An insurer who is not a joint stock insurance company, a fraternal society, a mutual insurance corporation or a cash-mutual insurance corporation may invest its funds in securities described in clauses *a* to *l* and clauses *o* and *p* of subsection 1 of section 355 and may lend its funds on the security of any such securities.

Restrictions  
and  
limitations

357. The following restrictions, limitations and prohibitions apply to insurers in the exercise of the investment powers under sections 355 and 356,
- (a) an insurer not licensed to transact the business of life insurance shall not invest in or lend its funds upon the security of its own shares or the shares of any corporation transacting the business of insurance;
  - (b) an insurer licensed to transact the business of life insurance shall not,
    - (i) invest in the shares of a corporation incorporated in Canada to undertake contracts of life insurance,
    - (ii) lend its funds upon the security of its own shares, or
    - (iii) except as provided in section 224*a* of *The Corporations Act*, invest in or purchase its own shares;

- (c) except as to securities issued or guaranteed by the Government of Canada or the government of a province of Canada or a municipal corporation in Canada, an insurer shall not invest in any one security or make a total investment in any one corporation, either by the purchase of shares or other securities of such corporation or by lending to it on the security of its debentures or other assets or any part thereof, of more than 10 per cent of the book value of the total assets of the insurer;
- (d) except as to investments made under subsection 8 of section 355 and as to securities guaranteed by the Government of Canada or the government of a province of Canada or by a municipal corporation in Canada, an insurer shall not make any investment the effect of which will be that it will hold more than 30 per cent of the common shares or 30 per cent of the total issued shares of any one corporation;
- (e) the total book value of the investments of an insurer in common shares, other than its own common shares purchased under section 224a of *The Corporations Act*, shall not exceed 25 <sup>R.S.O. 1960, c. 71</sup> per cent of the book value of the total assets of the insurer;
- (f) the total book value of the investments of an insurer in real estate or leaseholds for the production of income under clauses *q* and *r* of subsection 1 of section 355 and subsection 4 of section 355 shall not exceed 10 per cent of the book value of the total assets of the insurer;
- (g) an insurer shall not invest any of its funds in bonds, debentures or other evidences of indebtedness on which the payment of principal or interest is in default; and
- (h) an insurer shall not act as an underwriter in connection with the purchase or sale of any securities or other property of any kind.

358.—(1) An insurer shall not knowingly make an invest- <sup>Prohibited loans and investments</sup>ment, other than a loan on the security of a policy of life insurance issued by it,

(a)

(a) by way of a loan to,

(i) a director or officer of the insurer, or a spouse or child of such director or officer, or

(ii) an individual, his spouse or any of his children under twenty-one years of age if either the individual or a group consisting of the individual, his spouse and such children is a substantial shareholder of the insurer;

(b) in a corporation that is a substantial shareholder of the insurer; or

(c) in a corporation in which,

(i) an individual mentioned in subclause i of clause a,

(ii) an individual who is a substantial shareholder of the insurer,

(iii) another corporation that is a substantial shareholder of the insurer, or

(iv) a group consisting exclusively of individuals mentioned in subclause i of clause a,

has a significant interest.

Disposition

(2) An insurer shall not knowingly retain an investment mentioned in subsection 1.

Interpretation

(3) For the purpose of this section,

"significant interest"

(a) a person has a significant interest in a corporation, or a group of persons has a significant interest in a corporation if,

(i) in the case of a person, he owns beneficially, either directly or indirectly, more than 10 per cent, or

(ii) in the case of a group of persons, they own beneficially, either individually or together and either directly or indirectly, more than 50 per cent,

of the shares of the corporation for the time being outstanding;

- (b) a person is a substantial shareholder of a corporation or a group of persons is a substantial shareholder of a corporation if that person or group of persons owns beneficially, either individually or together and either directly or indirectly, equity shares to which are attached more than 10 per cent of the voting rights attached to all of the equity shares of the corporation for the time being outstanding; and in computing the percentage of voting rights attached to equity shares owned by an underwriter, there shall be excluded the voting rights attached to equity shares acquired by him as an underwriter during the course of distribution to the public by him of such shares;
- (c) "equity share" means a share of any class to which are attached voting rights exercisable under all circumstances and a share of any class to which are attached voting rights by reason of the occurrence of any contingency that has occurred and is continuing;
- (d) "investment" means,
- "investment"
- (i) an investment in a corporation by way of purchase of bonds, debentures, notes or other evidences of indebtedness thereof or shares thereof, or
- (ii) a loan to a person or persons,
- but does not include any normal working balance between an insurer and any other corporation transacting the business of insurance or any advance or loan that is merely ancillary to the main business of the insurer; and
- (e) notwithstanding paragraph 44 of section 1, "officer" means only the president, a vice-president, the secretary, the treasurer, the manager, the controller and the actuary of an insurer and any other person designated as an officer of the insurer by by-law or by resolution of the directors thereof.

"Down-  
stream"  
investment

- (4) For the purposes of this section, where a person or a group of persons owns beneficially, directly or indirectly, or is deemed by this subsection to own beneficially, shares of a corporation, that person or group of persons shall be deemed to own beneficially that proportion of the shares of any other corporation that is owned beneficially, directly or indirectly, by the first-mentioned corporation, that is equal to the proportion of the shares of the first-mentioned corporation that is owned beneficially, directly or indirectly, or is deemed by this subsection to be owned beneficially, by that person or group of persons.

Exception

- (5) Notwithstanding subsection 4, an insurer is not prohibited from making an investment in a corporation only because a person or a group of persons that owns beneficially, directly or indirectly, or is deemed to own beneficially equity shares of the insurer is, by reason of that subsection, deemed to own beneficially equity shares of such corporation.

Exemption

- (6) Where any person or group of persons is a substantial shareholder of an insurer and, as a consequence thereof and of the application of this section, certain investments are prohibited for the insurer, the Minister may, on the advice of the Superintendent, and on application by the insurer, exempt from such prohibition any particular investment or investments of any particular class if he is satisfied,

(a) that the decision of the insurer to make or hold any investment so exempted has not been and is not likely to be influenced in any significant way by that person or group, and does not involve in any significant way the interests of that person or group apart from their interests as a shareholder of the insurer; and

(b) that the investment is to be made under the power granted to the insurer under this Part.

Idem

- (7) Any order of exemption made by the Minister under subsection 6 may contain any conditions or limitations considered by the Minister to be appropriate and may be revoked by the Minister at any time.

Invest-  
ments in  
corporate  
name

- 359.—(1) All investments and deposits of the funds of an insurer shall be made in its corporate name.

- (2) Every insurer shall at all times retain in Canada and under its own control assets of a value at least equal to its total liabilities to its policyholders in Canada. Assets in Canada
- (3) Where the laws of any province, state or country in which any insurer transacts or is about to transact business require that the deposits made or to be made by such insurer in such province, state or country shall be made in the name of or transferred or assigned to any person or corporation other than the insurer, this section does not prohibit such insurer from making in the name of, or transferring or assigning to, such other person or corporation the investments and deposits necessary to comply with the said laws. Deposits outside Canada
- (4) No director or officer of an insurer and no member of a committee having any authority in the investment or disposition of its funds shall accept or be the beneficiary of, either directly or indirectly, any fee, brokerage, commission, gift or other consideration for or on account of any loan, deposit, purchase, sale, payment or exchange made by or on behalf of such insurer, or be pecuniarily interested in any such purchase, sale or loan, either as borrower, principal, co-principal, agent or beneficiary, except that, if he is a policyholder, he is entitled to all the benefits accruing under the terms of his contract. Prohibition on directors or officers receiving fees or gifts
- (5) Except as in this section provided, all the securities of an insurer incorporated and licensed under the laws of Ontario shall be held at the head office of the insurer or elsewhere in Ontario and the holding of securities, wherever situated, is subject to such regulations respecting their safekeeping, including registration and the bonding of directors, officers and employees of the insurer, as the Lieutenant Governor in Council may prescribe. Securities to be held in Ontario

## PART XVIII

### UNFAIR AND DECEPTIVE ACTS AND PRACTICES IN THE BUSINESS OF INSURANCE

360. For the purposes of this Part,

Interpretation

- (a) "person" means a person engaged in the business of insurance and includes any individual, corporation, association, partnership, reciprocal or inter-insurance exchange, mem-

ber

ber of the society known as Lloyds, fraternal society, mutual benefit society, agent, broker or adjuster;

- (b) "unfair or deceptive acts or practices in the business of insurance" includes,
- (i) the commission of any act prohibited under this Act or the regulations;
  - (ii) any unfair discrimination between individuals of the same class and of the same expectation of life, in the amount or payment or return of premiums, or rates charged by it for contracts of life insurance or annuity contracts, or in the dividends or other benefits payable thereon or in the terms and conditions thereof,
  - (iii) any unfair discrimination in any rate or schedule of rates between risks in Ontario of essentially the same physical hazards in the same territorial classification,
  - (iv) any illustration, circular, memorandum or statement that misrepresents, or by omission is so incomplete that it misrepresents, the terms, benefits or advantages of any policy or contract of insurance issued or to be issued,
  - (v) any false or misleading statement as to the terms, benefits or advantages of any contract or policy of insurance issued or to be issued,
  - (vi) any incomplete comparison of any policy or contract of insurance with that of any other insurer for the purpose of inducing, or intending to induce, an insured to lapse, forfeit or surrender a policy or contract,
  - (vii) any payment, allowance or gift, or any offer to pay, allow or give, directly or indirectly, any money or thing of value as an inducement to any prospective insured to insure,
  - (viii) any charge by a person for a premium allowance or fee other than as stipulated in a contract of insurance upon which a sales commission is payable to such person, or

- (ix) any consistent practice or conduct that results in unreasonable delay or resistance to the fair adjustment and settlement of claims.
361. No person shall engage in any unfair or deceptive act or practice in the business of insurance. Prohibition
362. The Superintendent may examine and investigate the affairs of every person engaged in the business of insurance in Ontario in order to determine whether such person has been, or is, engaged in any unfair or deceptive act or practice. Superintendent may investigate
- 363.—(1) Where it appears to the Superintendent that any person is engaging in any unfair or deceptive act or practice in the business of insurance, the Superintendent may order that such person cease engaging in his business or any part thereof named in the order, and an order under this subsection may be made subject to such terms and conditions as the Superintendent may specify in the order and the order may be revoked when the Superintendent is satisfied that the unfair and deceptive acts or practices are corrected and not likely to recur. Order of Superintendent
- (2) No order shall be made under subsection 1 without a hearing unless in the opinion of the Superintendent the length of time required for a hearing could be prejudicial to the public interest, in which event a temporary order may be made which shall expire fifteen days from the date of the making thereof or such longer time as is consented to by the person entitled to the hearing. Hearing
- (3) A notice of every order made under this Part shall be served upon every person named therein and upon such other persons as the Superintendent considers appropriate and thereupon no person shall engage in that part of the business of insurance that is the subject of the order. Service and effect of order
364. Any person who contravenes an order of the Superintendent made under this Part is, in addition to any other consequence or remedy provided by law, guilty of an offence punishable in the same manner as if the person were undertaking insurance or carrying on business in Ontario without holding a licence to do so. Penalty

**18.**—(1) Section 208, as amended by section 7 of *The Corporations Amendment Act, 1962-63*, section 5 of *The Corporations Amendment Act, 1964*, section 1 of *The Corporations* R.S.O. 1960, c. 71, ss. 208, 209, repealed

*Amendment Act, 1965* and section 13 of *The Corporations Amendment Act, 1968*, and section 209 of *The Corporations Act* are repealed.

References  
to repealed  
provisions

(2) Any reference in any Act, regulation or document to section 208 or 209 of *The Corporations Act*, or otherwise to the investment provisions of *The Corporations Act* applying to insurers referred to in subsection 1 of section 208 or in section 209 thereof, shall be deemed to be a reference to the corresponding powers in Part XVII of *The Insurance Act*.

R.S.O. 1960,  
c. 190

Commence-  
ment

**19.** This Act comes into force on the day it receives Royal Assent.

Short title

**20.** This Act may be cited as *The Insurance Amendment Act, 1970*.

## CHAPTER 135

## An Act to amend The Municipal Act

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 249,  
amended

## CHIEF ADMINISTRATIVE OFFICER

214a. The council may by by-law appoint a chief administrative officer, who, Chief  
administra-  
tive  
officer

(a) shall have such general control and management of the administration of the government and affairs of the municipal corporation and perform such duties as the council by by-law prescribes; and

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law.

2. Subsection 3 of section 236 of *The Municipal Act* is repealed. R.S.O. 1960,  
c. 249,  
s. 236,  
subs. 3,  
repealed

3. Subsection 2 of section 239 of *The Municipal Act*, as enacted by section 9 of *The Municipal Amendment Act, 1962-63* and amended by section 10 of *The Municipal Amendment Act, 1968-69*, is further amended by inserting after "No" in the first line "chief administrative officer", so that the subsection shall read as follows: R.S.O. 1960,  
c. 249,  
s. 239  
(1962-63,  
c. 87, s. 9),  
subs. 2,  
in amended

(2) No chief administrative officer, clerk, treasurer or engineer shall be dismissed from office except after a hearing by the council or a committee of the whole council if requested by the officer concerned. Dismissal  
of officers

R.S.O. 1960,  
c. 249,  
s. 240,  
amended

4. Section 240 of *The Municipal Act*, as amended by section 34 of *The Municipal Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:

Allowance  
to surviving  
spouse

(1a) Where a council grants an annual retirement allowance to an employee under subsection 1, the by-law may include provision for continuing the allowance to the surviving spouse, if any, during his or her life in an amount not exceeding one-half of the annual allowance payable to the employee.

R.S.O. 1960,  
c. 249,  
s. 302  
(1960-61,  
c. 59, s. 12),  
re-enacted

5. Section 302 of *The Municipal Act*, as re-enacted by section 12 of *The Municipal Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Investment  
of moneys  
not immedi-  
ately  
required

302. Where a municipality has moneys not required immediately by the municipality, such moneys may be invested in bonds, debentures or other evidences of indebtedness of or guaranteed by the Government of Canada or the Province of Ontario, in term deposits with any chartered bank or in term deposits with or guaranteed investment certificates or debentures of any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, provided that the bonds, debentures or other evidences of indebtedness, term deposits or guaranteed investment certificates become due and payable before the moneys invested therein are required by the municipality, and all interest thereon shall be credited to the fund from which the moneys are invested.

R.S.O. 1960,  
c. 222

6. Section 377 of *The Municipal Act* is amended by adding thereto the following paragraphs:

Aid in  
respect of  
common  
disaster

42b. For granting money by way of contribution to a relief fund established in aid of persons who suffer loss, whether in Ontario or elsewhere, as a result of a common disaster.

. . . . .

Power to  
acquire real  
property for  
purpose of  
leasing to  
doctor or  
dentist

69a. Without limiting the generality of section 333, and in addition to the powers set out therein, for acquiring by purchase or lease real property for the purpose of leasing such property to a legally qualified medical or dental practitioner on such terms and conditions as the council may determine, and such property may be so leased for residential, clinical or office purposes or a combination thereof.

7.—(1) Paragraph 30 of subsection 1 of section 379 of *The Municipal Act*, as amended by subsection 1 of section 16 of *The Municipal Amendment Act, 1962-63*, is further amended by inserting after “fireworks” in the first line and in the second line “or any class or classes thereof”, so that the paragraph shall read as follows:

R.S.O. 1960,  
c. 249,  
s. 379,  
subs. 1,  
par. 30,  
amended

30. For regulating the sale of fireworks or any class or classes thereof and for prohibiting the sale of fireworks or any class or classes thereof on any day or days during the year or to any person under such age as the by-law may prescribe.

Sale of  
fireworks

(2) Paragraph 31 of subsection 1 of the said section 379 is amended by inserting after “fireworks” in the first line “or any class or classes thereof”, so that the paragraph shall read as follows:

R.S.O. 1960,  
c. 249,  
s. 379,  
subs. 1,  
par. 31,  
amended

31. For prohibiting or regulating the setting off of fireworks or any class or classes thereof in the municipality or in any defined area or areas thereof and for requiring a permit for the holding of fireworks displays and prescribing the conditions under which fireworks displays may be held under such permit.

Setting  
off  
fireworks

(3) Clauses *a* and *b* of paragraph 50 of subsection 1 of the said section 379 are repealed.

R.S.O. 1960,  
c. 249,  
s. 379,  
subs. 1,  
par. 50,  
cls. *a*, *b*,  
repealed

(4) Paragraph 68*a* of subsection 1 of the said section 379, as enacted by subsection 3 of section 21 of *The Municipal Amendment Act, 1968*, is amended by inserting after “property” in the second line “or on property of the municipality or any local board thereof”, so that the paragraph shall read as follows:

R.S.O. 1960,  
c. 249,  
s. 379,  
subs. 1,  
par. 68*a*  
(1968, c. 76,  
s. 21,  
subs. 3),  
amended

- 68*a*. For prohibiting the throwing, placing or depositing of refuse or debris on private property or on property of the municipality or any local board thereof without authority from the owner or occupant of such property.

Prohibiting  
littering  
of private  
or municipal  
property

(5) Paragraph 98 of subsection 1 of the said section 379 is amended by inserting after “power” in the second line “or supplying cooling energy” and by inserting after “steam” in the second line “or cooling energy”, so that the paragraph, exclusive of the clause, shall read as follows:

R.S.O. 1960,  
c. 249,  
s. 379,  
subs. 1,  
par. 98,  
amended

98. For authorizing any person supplying steam for heat or power or supplying cooling energy to lay down pipes or conduits for transmitting steam or cooling energy

Transmit-  
ting steam  
or cooling  
energy under  
highways

energy under the highways or public squares, on such terms and conditions as the council may deem expedient.

R.S.O. 1960,  
c. 249,  
s. 379,  
subs. 1,  
par. 122,  
re-enacted

(6) Paragraph 122 of subsection 1 of the said section 379 is repealed and the following substituted therefor:

Signs

122. For prohibiting or regulating signs and other advertising devices and the posting of notices on buildings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway and any by-law passed under this paragraph may provide that a sign or other advertising device that on the day the by-law comes into force does not comply with the by-law, shall be,

(a) made to comply with the by-law; or

(b) removed by the owner thereof or by the owner of the land on which it is situate,

on or before the expiration of three years from the day the by-law comes into force.

R.S.O. 1960,  
c. 249,  
s. 379,  
subs. 1,  
par. 129,  
repealed

(7) Paragraph 129 of subsection 1 of the said section 379 is repealed.

R.S.O. 1960,  
c. 249,  
s. 399,  
subs. 1,  
par. 3,  
re-enacted

8. Paragraph 3 of subsection 1 of section 399 of *The Municipal Act* is repealed and the following substituted therefor:

Prohibiting  
sale of  
refresh-  
ments on  
public  
streets, etc.

3. For prohibiting the sale of refreshments or confections, including, without limiting the generality of the foregoing, fruit, candy, peanuts, popcorn, ice cream, ice cream cones, iced milk and other iced confectionery from a basket or wagon, cart or other vehicle upon any highway or part of it or in any public park or other public place, but no by-law passed under this paragraph applies to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof.

R.S.O. 1960,  
c. 249,  
s. 522,  
subs. 1,  
amended

9.—(1) Subsection 1 of section 522 of *The Municipal Act* is amended by inserting after “three” in the sixth line “or five”, so that the subsection shall read as follows:

- (1) Every improvement district shall be deemed to be <sup>Nature and status</sup> for all purposes of every Act a township municipality, a village municipality or a town municipality as may be designated from time to time by the Municipal Board, except that its powers instead of being exercised by a council shall be exercised by a board of three or five trustees appointed and designated as chairman, vice-chairman and member by the Lieutenant Governor in Council.

(2) Subsection 3 of the said section 522 is amended by <sup>R.S.O. 1960, c. 249, s. 522, subs. 3, amended</sup> striking out "Two" and inserting in lieu thereof "A majority of the", so that the subsection shall read as follows:

- (3) A majority of the members of the board form a <sup>Quorum</sup> quorum.

**10.** Section 570 of *The Municipal Act*, as enacted by <sup>R.S.O. 1960, c. 249, s. 570 (1968-69, c. 74, s. 31), amended</sup> section 31 of *The Municipal Amendment Act, 1968-69*, is amended by adding thereto the following subsection:

- (1a) A statement given under subsection 1 is binding <sup>Idem</sup> upon the municipal corporation and the amount charged for the search and statement belongs to the corporation and not to the treasurer.

**11.** Section 629 of *The Municipal Act*, as enacted by section <sup>R.S.O. 1960, c. 249, s. 629 (1968-69, c. 74, s. 31), amended</sup> 31 of *The Municipal Amendment Act, 1968-69*, is amended by adding at the end thereof "provided that the council shall not charge back any deficiency caused by an abatement or refund of taxes made as a result of an application brought under clause *d* or *g* of subsection 1 of section 76 of *The Assessment Act, 1968-69*", so that the section shall read as follows:

629. Every municipal council in paying over any rate to a <sup>Where deficiency occurs</sup> body for which it is required by law to levy rates or raise money shall, except where otherwise provided, supply out of the funds of the corporation any deficiency caused by the non-payment of taxes, and, where any deficiency is caused by the abatement or refund of or inability to collect taxes or by the limitation of taxation of a telephone company under section 11 of *The Assessment Act, 1968-69*, the <sup>1968-69, c. 6</sup> council shall charge back a proportionate share thereof to every such body, provided that the council shall not charge back any deficiency caused by an abatement or refund of taxes made as a result of an application brought under clause *d* or *g* of subsection 1 of section 76 of *The Assessment Act, 1968-69*.

R.S.O. 1960,  
c. 249,  
s. 651  
(1968-69,  
c. 74, s. 31),  
subs. 1,  
amended

**12.**—(1) Subsection 1 of section 651 of *The Municipal Act*, as enacted by section 31 of *The Municipal Amendment Act, 1968-69*, is amended by striking out “6” in the ninth line and inserting in lieu thereof “12”, so that the subsection shall read as follows:

Local  
treasurer to  
pay over  
county  
moneys to  
county  
treasurer

(1) The treasurer of every township, town or village shall, on or before the 20th day of December in each year, pay to the treasurer of the county all moneys that were assessed and by law required to be levied and collected in the municipality for county purposes or for any of the purposes mentioned in section 648, and, in case of non-payment of such moneys or any portion thereof on or before such date, the township, town or village so in default shall pay to the county interest thereon at the rate of 12 per cent per annum from such date until payment is made.

R.S.O. 1960,  
c. 249,  
s. 651  
(1968-69,  
c. 74, s. 31),  
subs. 2,  
amended

(2) Subsection 2 of the said section 651 is amended by striking out “6” in the second line and inserting in lieu thereof “12”, so that the subsection shall read as follows:

Reduced  
penalty  
rate and  
allowance of  
discount for  
prepayment

(2) The council of a county may by by-law provide for a rate of interest of less than 12 per cent per annum in case of non-payment of moneys assessed for county purposes and may also provide for payment of a discount at such rate per annum as the by-law may set forth for payment of moneys or any portion thereof assessed for county purposes if paid prior to the 20th day of December in the year in which the moneys are payable.

R.S.O. 1960,  
c. 249,  
Form 21,  
repealed

**13.** Form 21 of *The Municipal Act* is repealed.

Commence-  
ment

**14.**—(1) This Act, except section 6, subsection 7 of section 7, and sections 11 and 12, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 6 and 11 shall be deemed to have come into force on the 1st day of January, 1970.

Idem

(3) Section 12 comes into force on the 1st day of January, 1971.

Idem

(4) Subsection 7 of section 7 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short  
title

**15.** This Act may be cited as *The Municipal Amendment Act, 1970 (No. 4)*.

## CHAPTER 136

**An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1971**

*Assented to November 13th, 1970  
Session Prorogued November 13th, 1970*

MOST GRACIOUS SOVEREIGN:

**W**HEREAS it appears by messages from the Honourable William Ross Macdonald, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1971, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

Preamble

**1.—(1)** There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$4,215,144,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1970, to the 31st day of March, 1971, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based.

\$4,215,144,000  
granted for  
fiscal year  
1970-71

**(2)** Where, in the fiscal year ending the 31st day of March, 1971, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and

Exception

transferred

transferred from time to time as required by certificate of the Treasury Board to the department administered by the minister to whom the powers and duties are so assigned and transferred.

**Accounting for Expenditures**      **2.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

**Commencement**      **3.** This Act comes into force on the day it receives Royal Assent.

**Short title**      **4.** This Act may be cited as *The Supply Act, 1970*.

# SCHEDULE

Department of Agriculture and Food.....	\$ 79,419,000
Department of Civil Service.....	2,820,000
Department of Correctional Services.....	48,219,000
Department of Education.....	1,079,224,000
Department of Energy and Resources Management.....	90,097,000
Department of Financial and Commercial Affairs.....	4,685,000
Department of Health.....	894,925,000
Department of Highways.....	500,827,000
Department of Justice.....	107,993,000
Department of Labour.....	23,962,000
Department of Lands and Forests.....	69,013,000
Office of the Lieutenant Governor.....	40,000
Department of Mines and Northern Affairs (formerly Department of Mines).....	9,849,000
Department of Municipal Affairs.....	250,998,000
Department of the Prime Minister.....	364,000
Office of the Provincial Auditor.....	944,000
Department of the Provincial Secretary and Citizenship.....	9,003,000
Department of Public Works.....	98,808,000
Department of Revenue.....	11,224,000
Department of Social and Family Services....	297,281,000
Department of Tourism and Information....	12,869,000
Department of Trade and Development.....	138,526,000
Department of Transport.....	15,200,000
Department of Treasury and Economics.....	42,537,000
Treasury Board.....	2,010,000
Department of University Affairs.....	424,307,000
	<hr/>
	\$4,215,144,000
	<hr/>

PART II  
PRIVATE ACTS

Chapters 137 to 170



## CHAPTER 137

**An Act respecting the  
Township of Ameliasburgh***Assented to May 4th, 1970**Session Prorogued November 13th, 1970*

**W**HEREAS The Corporation of the Township of <sup>Preamble</sup> Ameliasburgh, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding section 64 of *The Ontario Municipal* <sup>By-law validated</sup> *Board Act* and section 3 of By-law No. 510 of the Corporation, <sup>R.S.O. 1960, c. 274</sup> the said By-law No. 510, set forth as the Schedule hereto, is valid and binding on the Corporation and the ratepayers thereof and shall be deemed to have come into force on the 11th day of November, 1969.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Township of Ameliasburgh* <sup>Short title</sup> *Act, 1970.*

## SCHEDULE

## TOWNSHIP OF AMELIASBURGH

## BY-LAW No. 510/69

A BY-LAW to authorize the borrowing of a sum of money upon the assets of the Township of Ameliasburgh for the purpose of establishing a fire department.

WHEREAS pursuant to Section 379,1,(24), *The Municipal Act*, R.S.O. 1960, and amendments thereto, local municipalities may pass by-laws to borrow money to acquire land for fire purposes, establish fire halls thereon and to purchase equipment for the same;

AND WHEREAS the Municipal Council of The Corporation of the Township of Ameliasburgh find it to the Township's advantage to acquire land, erect a Fire Hall thereon and purchase equipment for the same for the safety and well being of the ratepayers of the Township;

AND WHEREAS it is expedient to borrow the said \$50,000.00 from the Bank of Nova Scotia, Consecon, at current rates of interest;

AND WHEREAS The Corporation of the Township of Ameliasburgh is prepared to repay the aforesaid amount in three equal annual instalments together with the interest due in each of the three years, namely 1970, 1971 and 1972;

THEREFORE, the Council of The Corporation of the Township of Ameliasburgh enacts as follows:—

1. For the purpose aforesaid the Corporation shall borrow upon the credit of the Corporation a sum not exceeding \$50,000.00 and shall enter into an agreement with the Bank of Nova Scotia, Consecon, for the same and to repay the same in three equal annual instalments together with the interest due thereon, in the years 1970, 1971 and 1972.

2. In each of the three years, 1970, 1971 and 1972, all sums required to repay the amount borrowed together with interest on the same shall be levied and raised by a special rate therefor over and above all other rates, on all of the rateable property of the ratepayers of the Township of Ameliasburgh.

3. The above by-law shall come into force and effect upon approval by The Ontario Municipal Board.

READ A FIRST AND SECOND TIME this 6th day of August, 1969.

G. CUNNINGHAM,  
*Reeve.*

WM. NIGHTINGALE,  
*Clerk.*

READ A THIRD TIME and finally passed this 11th day of November, 1969.

G. CUNNINGHAM,  
*Reeve.*

WM. NIGHTINGALE,  
*Clerk.*

I, Wm. Nightingale, Clerk of the Township of Ameliasburgh do hereby certify the above to be a true copy of By-law 510/69 as passed by the Ameliasburgh Council.

WM. NIGHTINGALE,  
*Clerk.*

## CHAPTER 138

## An Act respecting the City of Barrie

*Assented to May 4th, 1970**Session Prorogued November 13th, 1970*

**W**HEREAS The Corporation of the City of Barrie, <sup>Preamble</sup>  
herein called the Corporation, by its petition has prayed  
for special legislation in respect of the matters hereinafter set  
forth; and whereas it is expedient to grant the prayer of the  
petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** In this Act, "building" includes any building, part of <sup>Interpreta-</sup>  
a building or structure and the contents thereof with the land  
and premises appurtenant thereto and all outbuildings,  
fences or erections thereon or therein.

**2.** The council of the Corporation may, by by-law, passed <sup>Order for</sup>  
at any general meeting thereof by a vote of three-fourths of all  
the members of the council, order the removal or demolition of  
a building that is in a ruinous or dilapidated state and has not  
been occupied for industrial, commercial or residential  
purposes for a period of three years.

**3.—(1)** Notice of the by-law shall be registered in the <sup>Notice of</sup>  
Registry Office for the Registry Division of the County of  
Simcoe and notice shall thereafter be served upon the owner,  
the mortgagee and any other encumbrancer appearing on the  
registered title, and upon any execution creditor appearing  
on the records of the sheriff's office.

**(2)** The owner, mortgagee, encumbrancer or execution <sup>Appeal</sup>  
creditor has the right to appeal to the judge of the county  
court of the County of Simcoe from the decision of the council  
to remove or demolish the building by written notice of appeal  
delivered to the clerk of the Corporation within thirty days  
after the date of service of the notice of the by-law.

**4.** The notice of the by-law shall include a copy of the <sup>Notice</sup>  
by-law and shall set out the method and time for appealing  
from the decision of the council of the Corporation.

Power of  
City  
Engineer  
to carry  
out order

**5.** Unless notice of an appeal is received by the clerk of the Corporation within the time stated in section 3, the decision of the council of the Corporation to remove or demolish the building may be carried out forthwith by the City Engineer on behalf of the Corporation and for this purpose the Corporation with its servants and agents may from time to time enter upon the lands of the owner, and the Corporation is not liable to compensate the owner, or any other person, by reason of anything done by or on behalf of the Corporation under the authority of this section.

Lien

**6.** The Corporation has a lien for the amount expended by or on behalf of the Corporation in carrying out the decision of the council to remove or demolish the building and the certificate of the clerk of the Corporation as to the amounts so expended is final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected in the same manner as the real property taxes.

Hearing  
of appeal

**7.** If the decision of the council of the Corporation is appealed, the clerk of the Corporation shall obtain an appointment for a hearing before the judge of the county court of the County of Simcoe and shall give notice thereof by such means and to such persons as the judge may require.

Order of  
judge

**8.** After hearing the persons who attend on the appeal, the judge may confirm the decision of the council of the Corporation and dismiss the appeal, in which case the Corporation may proceed forthwith to remove or demolish the building or the judge may make such other order as he deems advisable under the circumstances.

Relief  
from parking  
requirements

**9.—(1)** The council of the Corporation may enter into an agreement with the owner or occupant of a building or structure to be erected or used providing for relief, to the extent set out in the agreement, from any requirement in any by-law of the Corporation for the provision or maintenance of parking facilities on land that is not part of a highway, and exempting such owner or occupant, to the extent specified in the agreement, from the necessity of providing or maintaining such facilities.

Agreements

(2) Every agreement referred to in subsection 1 shall,

- (a) be subject to the approval of the Ontario Municipal Board given either before or after the execution thereof; and
- (b) require the payment to the Corporation of a sum of money therein set out, either in a lump sum or by instalments, together with interest at a rate therein specified, and shall set forth the basis upon which the sum is computed.

(3) All moneys paid or to be paid pursuant to an agreement referred to in subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investments of such moneys shall be paid into such special account, and the moneys in such special account shall be expended for the same purposes and in the same manner as a reserve fund provided for in paragraph 67 of section 377 of *The Municipal Act*.

Disposition  
of moneys

R.S.O. 1960,  
cc. 408, 249

(4) Any such agreement may be registered against the land affected thereby in the proper registry or land titles office, and, when so registered, the amounts payable under such an agreement until paid shall be a lien or charge upon the lands described therein and may be collected in the same manner and with the same remedies as provided by *The Assessment Act, 1968-69* and *The Department of Municipal Affairs Act* for the collection of real property taxes, and, upon payment in full of the moneys to be paid under the agreement or upon termination of the agreement, there shall be registered in the proper registry or land titles office against such lands a certificate from the clerk of the Corporation stating that the moneys to be paid under the agreement have been fully paid or that the agreement has been terminated.

Upon  
registration  
of agree-  
ment,  
payments  
to be  
charge  
on lands

1968-69  
c. 6  
R.S.O. 1960,  
c. 98

(5) The City Auditor in his annual report shall report on the activities and position of any special account established under this section.

Auditor's  
report

**10.** Notwithstanding subsection 2 of section 380 of *The Municipal Act*, subject to the approval of the Ontario Municipal Board first being obtained, the council of the Corporation may amend Sewage Works Construction By-laws numbered 2973, 2976, 2977, 3005, 3006, 3041, 3042, 3080, 66-11, 66-14, 66-32, 66-54, 66-55, 67-13, to provide for imposing a sewer rate as of the date of such by-laws, upon the owners and occupants of land within the City of Barrie, sufficient to pay for the whole of the capital cost of the said works and upon amendment thereof the provisions of section 380 of *The Municipal Act* shall apply to such by-laws.

Authority to  
amend  
by-laws  
R.S.O. 1960,  
c. 249

**11.** Section 3 of *The Town of Barrie Act, 1945* is amended by striking out "ratepayers" in the seventh line and inserting in lieu thereof "persons who are qualified to be elected as members of council", so that the section shall read as follows:

1945, c. 29,  
s. 3,  
amended

3. The general management, regulation and control of the premises aforesaid, including the artificial ice plant, shall be vested in a Commission to be known as The Barrie Arena Commission, to be appointed

Management

by the council of the Corporation of the Town of Barrie each year, such Commission to consist of five members, three of whom shall be members of the council and two of whom shall be persons who are qualified to be elected as members of council of the Town of Barrie but not members of the council.

1945, c. 29,  
amended

**12.** *The Town of Barrie Act, 1945* is amended by adding thereto the following section:

Arena  
deemed  
community  
centre  
R.S.O. 1960,  
c. 60

**3a.** Notwithstanding the provisions of section 4 of *The Community Centres Act*, the Barrie Arena shall be deemed to be a community centre and the provisions of that Act shall apply to it as though it had been established by by-law of the council of the City of Barrie.

Commence-  
ment

**13.** This Act comes into force on the day it receives Royal Assent.

Short title

**14.** This Act may be cited as *The City of Barrie Act, 1970*.

## CHAPTER 139

## An Act respecting the Town of Brampton

*Assented to May 4th, 1970**Session Prorogued November 13th, 1970*

**W**HEREAS The Corporation of the Town of Brampton, <sup>Preamble</sup>  
herein called the Corporation, by its petition has  
prayed for special legislation in respect of the matters herein-  
after set forth; and whereas it is expedient to grant the prayer  
of the petition;

Therefore, Her Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** The Corporation may pass by-laws prohibiting the sale <sup>Prohibition  
of street  
vending of  
refreshments</sup>  
of fruit, candy, peanuts, ice cream, ice cream cones, frozen  
milk, frozen desserts or other confections from a basket or  
wagon, cart or other vehicle upon any highway or part of it,  
or in any public park or other public place.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup>  
Assent.

**3.** This Act may be cited as *The Town of Brampton Act*, <sup>Short title</sup>  
1970.



## CHAPTER 140

**An Act respecting Camp Shahwundais**

*Assented to May 4th, 1970  
Session Prorogued November 13th, 1970*

**W**HEREAS The Border Cities Young Men's and Young <sup>Preamble</sup>  
Women's Christian Associations, The Chatham Com-  
munity Young Men's Christian Association, and The Sarnia  
Young Men's and Young Women's Christian Association,  
by their petition have prayed that an Act be passed to  
incorporate Camp Shahwundais as a body corporate and  
politic for the purposes and with the powers hereinafter  
provided, to be jointly administered by the three petitioners;  
and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** Walter Harry Prince, Robert Franklin Kiborn, Jaroslav <sup>Camp</sup>  
Lloyd Glos, Mary Jean Louise Waffle and Donald Garret <sup>Shahwun-</sup>  
Musselman of the City of Windsor, Alan Arthur Sheppard, <sup>dais</sup>  
Peter Gordon Link and Peter Hill of the City of Sarnia, <sup>incorporated</sup>  
William Price Magee and Thomas Lawrence Walker of the  
City of Chatham, and Donald D. C. McGeachy, of the City  
of London, and their successors, are hereby constituted a  
body corporate and politic without share capital under the  
name of Camp Shahwundais, herein called the Association.

**2.** The head office of the Association shall be in the City <sup>Head office</sup>  
of Windsor or such other place as the Board of Directors of  
the Association may by by-law from time to time determine.

**3.** The objects of the Association shall be the spiritual, <sup>Objects</sup>  
mental, social, educational and physical welfare and improve-  
ment of young men, young women, boys and girls by the  
erection, operation, maintenance and support of camp facili-  
ties of every nature and kind whatsoever as may from time  
to time be determined by the Board of Directors of the  
Association.

**4.** The Association shall have power to acquire and hold <sup>Power to</sup>  
any real property or any estate or interest therein either by <sup>acquire</sup>  
purchase, lease, gift, devise or bequests either absolutely <sup>and hold</sup>  
<sup>real</sup> property, <sup>etc.</sup>

or

or in trust, and to sell, transfer, exchange, mortgage, hypothecate, lease or otherwise alienate or dispose of the same or any part thereof and apply the proceeds of any such property for its purposes, provided that no land at any time acquired by the Association and not required for its actual use and purpose or by way of security for the payment of any loan, debt or guarantee, shall be held by it or by any trustee on its behalf for a longer period than seven years after it shall cease to be so required, but this proviso shall not be deemed in any wise to vary or otherwise effect any trust relating to such property.

Board of  
Directors

**5.** The Board of Directors of the Association, herein called the Board, shall be composed of eleven members as follows:

1. Five members nominated by the Board of Directors of The Border Cities Young Men's and Young Women's Christian Associations.
2. Three members nominated by the Board of Directors of The Sarnia Young Men's and Young Women's Christian Association.
3. Two members nominated by the Board of Directors of The Chatham Community Young Men's Christian Association.
4. One member who shall be the Vice-President for the time being, of the Western Ontario area of the Young Men's Christian Association of Canada or such other person as shall be nominated by the National Council of the Young Men's Christian Association of Canada.

Term of  
office

**6.** Members of the Board shall serve without remuneration and, except as otherwise provided, shall be appointed for a term of three years and are eligible for reappointment.

Eligibility  
for  
reappoint-  
ment

**7.** No member of the Board is eligible for reappointment to a third term until one year has elapsed after he ceases to hold office.

Vacancies

**8.—(1)** A vacancy occurring in the membership of the Board by reason of the expiration of a term of office shall be filled by the Board of Directors of the Association responsible for the nomination in the first instance or by the National Council of the Young Men's Christian Association of Canada, as the case may be.

(2) A vacancy arising in the membership of the Board <sup>Idem</sup> by reason of death, resignation, or any other cause other than the expiration of a term of office, shall be filled by appointment by a simple majority of the remaining members of the Board, and any person so appointed shall hold office for the unexpired portion of the term of office of his predecessor.

**9.** The Board may pass by-laws not contrary to this Act <sup>Authority to pass by-laws</sup> to regulate and govern its procedures and actions and the conduct of the administration of the affairs of the Association, and without limiting the generality of the foregoing, may pass by-laws,

- (a) regulating the calling of and the procedure at meetings of the Board, and fixing the time and place for such meetings;
- (b) fixing the quorum of the Board; and
- (c) regulating the appointment, functions, powers, duties, remuneration and removal of officers, servants and agents of the Association.

**10.** Any by-law of the Board may be repealed or amended <sup>Repeal or amendment of by-law</sup> by the Board in accordance with such rules or regulations as it may prescribe by by-law.

**11.** By-laws of the Board require the approval of a majority <sup>Approval of by-law</sup> of the members of the Board, either at a meeting or in writing.

**12.** The Association may establish an endowment fund <sup>Authority to establish endowment fund</sup> for the purposes of promoting and extending its aims and objects and in furtherance of such purpose may obtain, set aside and hold subscriptions, donations, gifts and bequests in accordance with such regulations and conditions in respect thereof as may from time to time be prescribed by the Board.

**13.** The Association may direct the investment of all its <sup>Power to invest</sup> funds, which are to be invested by the Association or by any trust company or other trustee, in investments authorized for the investment of funds of life insurance companies in Canada, provided that the Association may authorize and direct the retention of any specific assets donated or bequeathed to the Association by any testamentary document or deed of trust or otherwise for such length of time as the Association in its sole discretion considers advisable, notwithstanding that it does not consist of assets in which the Association is authorized to invest by this Act, and the Association and the members of the Association shall under

no circumstances be liable, nor shall any trust company or other trustee acting on the instructions of the Association be liable, for any loss or damage that may be suffered by reason of the retention of any such assets as aforesaid or the investment of any such moneys in accordance with the power and authority given in this section.

Commence-  
ment

**14.** This Act comes into force on the day it receives Royal Assent.

Short title

**15.** This Act may be cited as *The Camp Shahwundais Act, 1970*.

CHAPTER 141

**An Act respecting  
the Canadian National Exhibition Association**

*Assented to May 4th, 1970  
Session Prorogued November 13th, 1970*

**W**HEREAS *The Canadian National Exhibition Association Act, 1948*, consolidated the Act entitled An Act to incorporate the Industrial Exhibition Association of Toronto and amendments thereto and extended the powers and privileges of the Canadian National Exhibition Association; and whereas such powers and privileges have been extended from time to time; and whereas the Canadian National Exhibition Association by its petition has prayed for special legislation to consolidate *The Canadian National Exhibition Association Act, 1948* and amendments thereto, and to further extend such powers and privileges as hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble  
1948, c. 105,  
1879, c. 81.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** In this Act,
- (a) “Association” means the Canadian National Exhibition Association; Interpretation,  
Association
  - (b) “Board” means the Board of Directors of the Association; Board
  - (c) “director” means a director of the Association; director
  - (d) “Municipality” means The Municipality of Metropolitan Toronto. municipality
- 2.** The several persons and representatives of bodies from time to time constituting the members of the Association shall continue to be a body politic and corporate by the name of “Canadian National Exhibition Association”. Corporation continued

**3.** The head office of the Association shall be in the Municipality. Head Office

Powers of  
Association;

4. The Association has power, subject to any law of general application,

exhibition  
authorized

(a) either permanently or periodically in structures, buildings, enclosures and places located in the Municipality, suitable for exhibition purposes, and for the promotion of industries, arts and sciences generally,

animals and  
vegetables

(i) to exhibit every and any variety of thing and being, found in animal and vegetable life, and every kind and variety of mineral,

products,  
wares, goods,  
etc.

(ii) to exhibit products, wares, goods, merchandise, machinery, mechanical inventions and improvements, of every nature, name and kind, and such as are generally exhibited at fairs, including the various processes of manufacture,

paintings  
and statuary

(iii) to exhibit paintings and statuary of any and every nature and kind,

horses and  
other  
animals

(iv) to exhibit and develop the points and qualities of the several breeds of horses and other animals by such competitive tests as may be humane and proper and as may be considered expedient, and

other  
exhibitions

(v) to make such other exhibitions as will be in conformity with the purposes and objects of this Act;

entertain-  
ment and  
amusements

(b) to provide entertainment or amusement to persons visiting its exhibition by means of music, shows or other attractions and to enter into contracts for such purposes and to allot space for such shows or attractions and to dispose of any contracts for such music, shows or attractions which may not be completed at the close of any exhibition;

real and  
personal  
property

(c) for the purpose only of carrying on and maintaining the business aforesaid and such other business as may be hereafter mentioned, to hold, own and acquire, by lease, purchase, gift or otherwise, property real and personal, at such prices and on such terms and conditions as may be agreed upon, and to improve and use the same by the construction of such buildings, houses, works and improvements as are necessary and as may be considered proper and to sell, mortgage, lease or otherwise dispose of any property at any time held by the Association;

power to  
improve

power to sell,  
mortgage,  
etc.

(d)

- (d) to cultivate such portions of the grounds of the Association as the Association may consider proper for the propagation of plants, trees, shrubs, or other things of a vegetable nature; <sup>cultivation of grounds</sup>
  - (e) to manufacture and raise articles and things required in the various exhibitions held by the Association; <sup>manufacture of articles, etc.</sup>
  - (f) to charge such admission fees as may be considered proper to receive for exhibiting everything authorized by this Act; <sup>admission fees</sup>
  - (g) to charge such entrance fees, and to award, give and pay to exhibitors such prizes, medals and honorary distinctions as the Association may consider proper; <sup>entrance fees and prizes</sup>
  - (h) to let or lease stalls, stands, rooms and places in any of the buildings or structures of the Association, or in any part of the grounds or property of the Association, upon such terms and conditions and for such purposes as the Board may consider to be in the best interests of the Association; <sup>leasing of stalls, etc.</sup>
  - (i) to act as agent for the Municipality in the management and operation of such part of the buildings, structures or grounds in or in the vicinity of Exhibition Park as may be designated by the council of the Municipality upon such terms and conditions as may be agreed between the Association and the Municipality; <sup>agent for the Municipality</sup>
  - (j) to borrow money from time to time in such amount as the council of the Municipality may approve; <sup>to borrow money</sup>
  - (k) to invest in securities in which municipalities in Ontario may invest; and <sup>to invest money</sup>
  - (l) to do such other matters and things as will be in conformity with the objects and purposes of the Association. <sup>general</sup>
- 5.—**(1) The membership of the Association shall be divided into four sections, namely: <sup>Membership</sup>
1. The Municipal Section, not to exceed sixty-six members, exclusive of life members.
  2. The Manufacturers and Industry Section, not to exceed forty-four members, exclusive of life members.

3. The Agriculture Section, not to exceed forty-four members, exclusive of life members.
4. The General and Liberal Arts Section, not to exceed forty-four members, exclusive of life members.

Municipal  
Section

(2) The Municipal Section shall consist of,

*ex officio*  
members

- (a) the Chairman and all other members of the council of the Municipality, all permanent heads of departments appointed by the council of the Municipality, the Chairman of the Metropolitan Board of Commissioners of Police, the Chief of Police of the Municipality, the Chairman of the Metropolitan Licensing Commission, the Chairman and the Commissioner of Planning of the Metropolitan Toronto Planning Board, the Chief of the Fire Department and the Medical Officer of Health for Toronto, all of whom shall be *ex officio* members of the Association;

appointed  
members

- (b) one representative from each of the following:

the City of Toronto Planning Board,

the Convention and Tourist Bureau of Metropolitan Toronto,

the council of The Corporation of the County of York,

the Metropolitan Separate School Board,

The Metropolitan Toronto School Board,

the Parking Authority of Toronto,

the Toronto Electric Commissioners,

the Toronto Harbour Commissioners, and

the Toronto Transit Commission,

such representatives to be named and appointed annually in the month of January by the said several bodies; and

life members

- (c) the life members of the Association assigned to the Municipal Section.

Manufacturers and  
Industry  
Section

(3) The Manufacturers and Industry Section shall consist of,

(a)

- (a) the Minister of Industry, Trade and Commerce of <sup>*ex officio*</sup> Canada and the following ministers of the Province <sub>members</sub> of Ontario:

the Minister of Trade and Development,

the Minister of Lands and Forests,

the Minister of Mines, and

the Minister of Public Works,

all of whom shall be *ex officio* members of the Association, and provided also that the deputy of each of the said ministers shall be *ex officio* a member of the Association in place of his minister during the absence or illness of his minister or during such periods as his minister from time to time may designate in writing;

- (b) representatives from such manufacturers, industrial <sup>appointed</sup> and labour associations and societies in such numbers <sub>members</sub> for each as may be specified from time to time in the by-laws of the Board and who shall be named and appointed by such manufacturers, industrial and labour associations and societies at any meeting thereof; and
- (c) the life members of the Association assigned to the <sup>life members</sup> Manufacturers and Industry Section.

(4) The Agriculture Section shall consist of, <sup>Agriculture</sup> <sub>Section</sub>

- (a) the Minister of Agriculture and the Deputy Minister of Agriculture of Canada, and the Minister of Agriculture and Food and the Deputy Minister of Agriculture and Food for Ontario, all of whom shall be *ex officio* <sup>members</sup> members of the Association;
- (b) representatives from such agricultural associations <sup>appointed</sup> and societies in such numbers <sub>members</sub> for each as may be specified from time to time in the by-laws of the Board and who shall be named and appointed by such associations and societies at any meeting thereof; and
- (c) the life members of the Association assigned to <sup>life members</sup> the Agriculture Section.

General and  
Liberal Arts  
Section

(5) The General and Liberal Arts Section shall consist of,

*ex officio*  
members

(a) the following ministers for the Province of Ontario:

the Minister of Education,

the Minister of Justice and Attorney General,

the Minister of Municipal Affairs,

the Minister of Tourism and Information, and

the Provincial Secretary and Minister of  
Citizenship,

all of whom shall be *ex officio* members of the Association and provided also that the deputy of each of the said ministers shall be *ex officio* a member of the Association in place of his minister during the absence or illness of his minister or during such periods as his minister from time to time may designate in writing;

appointed  
members

(b) representatives from such liberal arts and other associations and societies in such numbers for each as may be specified from time to time in the by-laws of the Board and who shall be named and appointed by such liberal arts and other associations and societies at any meeting thereof; and

life members

(c) the life members of the Association assigned to the General and Liberal Arts Section.

Qualifica-  
tions of  
appointed  
members

(6) Each representative named and appointed under subsections 3, 4 and 5 shall continue to be a member until a successor is appointed so long as such representative is a member and actively engaged in the objects of the body he represents.

Past  
presidents to  
be life  
members and  
members of  
the Board

(7) In recognition of distinguished services to the Association, all past presidents shall be constituted life members of the Association and members of the Board and each shall be assigned to one of the four sections as may be determined by the Board.

Vacancies in  
representa-  
tion

(8) Notwithstanding anything herein contained, where any association, society or other body is authorized to name and appoint a representative or where a vacancy occurs in

the

the representation of any association, society or other body, a representative may be named and appointed forthwith to act until a successor is named and appointed and notice in writing from the association, society or other body to the Association will constitute the representative so named and appointed a member of the Association.

(9) The representation of any of the bodies named in the by-laws may be cancelled by the Board if such body fails to appoint a representative in any year and the decision of the Board shall be final upon any question as to the proper appointment of any representative and as to whether there has been proper compliance with the provisions of this Act and the by-laws. Cancellation of membership

6.—(1) The Board shall consist of,

Directors

(a) the Minister of Industry, Trade and Commerce and the Minister of Agriculture of Canada, the Minister of Justice and Attorney General, the Minister of Tourism and Information, the Minister of Trade and Development and the Minister of Agriculture and Food for Ontario, the Chairman of the council of the Municipality and the Mayor of the City of Toronto, each of whom shall be *ex officio* members of the Board; *ex officio* directors

(b) the past presidents of the Association;

life directors

(c) ten members of the Municipal Section appointed by the council of the Municipality, at least two of whom shall not be members of the council; and appointed directors

(d) seven representatives from the Manufacturers and Industry Section, seven from the Agriculture Section and seven from the General and Liberal Arts Section, elected by ballot by a majority of the votes of the members present in person and voting at the annual meeting. elected directors

(2) Any of the ministers of the Crown for Canada or Ontario may designate in writing such other person as he considers appropriate, who shall thereby be deemed to be a member of the Association, to be a member of the Board in lieu of the minister, and such designation shall continue to be effective unless revoked in writing by the minister making it so long as such minister continues in office. Alternate directors

(3) The Board shall each year after the annual meeting elect from among the directors a president and two vice-presidents and may elect, as honorary president, to hold Election of president, etc.

office

office during the year, any director who has held the office of president, and in the event of there being no past president or of such person refusing to act, then any of the directors may be elected as honorary president.

Vacancies;  
elected  
directors

(4) If a vacancy occurs at any time by death, resignation or otherwise among the elected directors, the remaining directors shall fill the vacancy by the appointment of a member of the Association for the remainder of the year.

appointed  
directors

(5) If a vacancy occurs among the directors appointed by the council of the Municipality, such vacancy may be filled by such council appointing one or more of its members or some other member of the Municipal Section, as the case may require.

president  
or vice-  
presidents

(6) If a vacancy occurs at any time by death, resignation or otherwise in the office of president or vice-presidents, the Board may elect from among the directors a person to fill the vacancy for the remainder of the term for which the person so vacating was elected.

Term of  
office

(7) The president and vice-presidents and the elected and appointed members of the Board shall hold office until their successors are elected or appointed, as the case may be, provided that they continue as members of the Association.

Failure to  
attend  
meetings

(8) Every elected director is required to attend in person meetings of the Board unless excused by resolution thereof and the place of an elected director shall be deemed vacant if the director fails to attend three consecutive meetings of the Board without being excused.

Powers of  
Board

**7.** The Board has power,

By-laws,  
rules and  
regulations

(a) to make by-laws, rules and regulations not inconsistent with this Act for,

management

(i) the management of the Association;

acquisition  
of exhibition  
grounds and  
buildings

(ii) the acquisition of exhibition grounds and buildings, by purchase, lease, agreement or otherwise, and the selling, leasing, mortgaging or otherwise disposing of the same, as occasion may require;

acquisition,  
management  
and sale of  
property

(iii) the acquisition and management of all property, whether real or personal, which may be required for the purposes of, or in connection with, the exhibition or other business

and

and operations of the Association, and the sale or other disposal thereof, when no longer required for such purposes;

- (iv) the entering into of such arrangements, agree-<sup>agreements,</sup>ments and contracts with any person or <sup>contracts,</sup>etc. corporation, society or association, as may become necessary to carry out the objects of the Association;
- (v) the naming of organizations and societies from <sup>admission</sup>time to time in each section who may appoint <sup>of members</sup>representatives to the membership and specifying the number of such representatives;
- (vi) the fee, if any, to be paid by the members; <sup>members'</sup>fees
- (vii) the holding of annual or periodical exhibitions; <sup>holding of</sup>exhibitions
- (viii) fixing the time for the annual meeting and the <sup>meetings of</sup>calling of general, special and other meetings <sup>Association</sup>of the Association;
- (ix) the appointment, removal and remuneration <sup>appointment</sup>of all officers, agents, clerks, workmen and <sup>of officers,</sup>etc. servants of the Association;
- (x) the admission fees to be received from persons <sup>admission</sup>visiting the exhibition held by the Association; <sup>fees</sup>
- (xi) the entrance fees to be charged to exhibitors; <sup>exhibitors'</sup>fees
- (xii) the general management of all exhibitions, and <sup>management</sup>of <sup>exhibitions</sup>
- (xiii) the prohibition of gambling, theatrical, circus <sup>gambling,</sup>or mountebank performances, exhibitions or <sup>theatrical</sup>shows and the huckstering or trafficking in <sup>per-</sup>etc. fruits, goods or merchandise, tickets or other things on the Exhibition Grounds in the City of Toronto or on the streets or lots within four hundred yards of such grounds, during the time of the annual exhibition of the Association, and any one who contravenes <sup>violations</sup>such by-laws, rules or regulations or refuses on demand to desist from such contravention may be removed by the officers of the Association, or by any police officer and shall be liable to a fine of not less than \$5 and not more than \$300, recoverable under *The Summary* <sup>R.S.O. 1960,</sup>*Convictions Act*, and in default of payment <sup>c. 387</sup>

proviso the offender shall be imprisoned in the common gaol for a period of not more than thirty days; provided that any such by-law, rule or regulation shall not prevent the sale upon any lands within the said distance of four hundred yards of articles usually sold thereon or theatrical or circus performances, exhibitions or shows usually held thereon at times other than during the said exhibition;

General powers

(b) in general, to do all things and make all contracts and agreements that may be necessary to carry out the objects and exercise the powers of the Association;

Appointment of honorary and associate directors

(c) to appoint annually such number of honorary and associate directors as it may consider advisable, and such honorary and associate directors shall have such powers and perform such duties as may be assigned to them from time to time by the Board, but shall not have the right to vote at meetings of the Board; and

Appointment of life honorary directors

(d) in recognition of distinguished services to the Association, to appoint such former directors of the Association as it considers advisable as honorary directors for life, and such honorary directors shall have all the rights, powers and duties of directors of the Association but shall not have the right to vote at meetings of the Association or of the Board.

Certain societies authorized to make agreements with and aid the Association.

**8.** The societies, associations and other bodies represented in the membership of the Association and other bodies not so represented are hereby authorized and empowered to enter into any arrangement or agreement with the Board for the holding of exhibitions and for taking part in the exhibitions held by the Association, and otherwise for promoting the objects of the Association, and may aid the same with grants of moneys.

Aid from municipalities

**9.** The Municipality or any municipality may make grants of money, lands, buildings or other articles in aid of the Association, or may lend money to the Association and such grants or loans may be upon such terms and conditions as may be agreed upon and may recover the money lent and may appropriate the money recovered to the purposes of the municipality.

Agreements with municipalities

**10.** The Municipality or any municipality and the Association are hereby authorized to make and enter into agreements relating to the holding of any exhibition or event and the granting and accepting of aid for the same, and for the furnishing and providing of exhibition grounds and buildings

suitable for the purpose of the Association, and the council of the Municipality or the council of every such municipality may pass by-laws for any such purpose or for the promotion of any of the purposes of the Association, and all agreements and by-laws in existence for the purposes aforesaid on the 30th day of November, 1970, shall be valid.

**11.** The by-laws, rules, orders and regulations of the Association in force on the 30th day of November, 1970, shall be and continue to be the by-laws, rules, orders and regulations of the Association until altered or repealed. Present by-laws, etc., to continue

**12.** The following Acts are repealed:

Provisions repealed

1. *The Canadian National Exhibition Association Act, 1948.* 1948, c. 105
2. *The Canadian National Exhibition Association Amendment Act, 1949.* 1949, c. 117
3. *The Canadian National Exhibition Association Amendment Act, 1952.* 1952, c. 116
4. *The Canadian National Exhibition Association Amendment Act, 1956.* 1956, c. 97
5. *The Canadian National Exhibition Association Act, 1957.* 1957, c. 129
6. *The Canadian National Exhibition Association Act, 1958.* 1958, c. 126
7. *The Canadian National Exhibition Association Amendment Act, 1960.* 1960, c. 137
8. *The Canadian National Exhibition Association Amendment Act, 1965.* 1965, c. 146
9. *The Canadian National Exhibition Association Amendment Act, 1966.* 1966, c. 165

**13.**—(1) This Act, except sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11 and 12 comes into force on the day it receives Royal Assent. Commencement

(2) Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11 and 12 come into force on the 1st day of December, 1970. Idem

**14.** This Act may be cited as *The Canadian National Exhibition Association Act, 1970.* Short title



## CHAPTER 142

**An Act respecting the Charlotte Eleanor  
Englehart Hospital of the Town of Petrolia**

*Assented to June 26th, 1970  
Session Prorogued November 13th, 1970*

**W**EREAS the Board of Trustees of the Charlotte Eleanor <sup>Preamble</sup>  
Englehart Hospital of the Town of Petrolia, The  
Corporation of the Town of Petrolia, and The Canada Trust  
Company by their petition have prayed for special legislation  
in respect of the matters hereinafter set forth; and whereas it  
is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** An Act to confirm the acceptance of the Charlotte <sup>1911, s. 144,  
amended</sup>  
Eleanor Englehart Hospital by the Town of Petrolia, Statutes  
of Ontario, 1911, chapter 144, is amended by adding thereto  
the following section:

3.—(1) Notwithstanding anything herein contained to <sup>Composition  
of board of  
trustees</sup>  
the contrary, the Board of Trustees of the Charlotte  
Eleanor Englehart Hospital shall consist of,

- (a) a hospital representative to be elected by the  
residents and other persons duly qualified to  
vote at the municipal elections in the Town-  
ship of Enniskillen;
- (b) a hospital representative to be elected by the  
residents and other persons qualified to vote  
at the municipal elections in the Village of  
Oil Springs;
- (c) the Mayor of the Town of Petrolia;
- (d) one member to be appointed by the Executor  
of the Estate of Charlotte Eleanor Englehart;
- (e) one member to be appointed by the Executor  
of the Estate of George Glen Moncrieff;

(f)

- (f) the President and Vice-President of the Medical Staff of the Charlotte Eleanor Englehart Hospital;
- (g) the President of or other representative duly appointed by the Charlotte Eleanor Englehart Hospital Ladies Auxiliary; and
- (h) six members to be elected by the residents and other persons duly qualified to vote at the municipal elections in the Town of Petrolia.

Life  
members  
and  
honorary  
members

- (2) In addition to those members of the Board elected or appointed in accordance with subsection 1, the Board shall have power to appoint life members and honorary members from time to time as it may consider advisable or desirable.

Powers of  
life  
members

- (3) Life members may attend meetings of the Board and vote in person thereat but not by proxy thereat.

Powers of  
honorary  
members

- (4) Honorary members may attend meetings of the Board and may act in an advisory capacity but do not have the right to vote.

Restriction  
on numbers  
of life  
members

- (5) The number of life members shall be restricted so that the number of such appointees does not at any time exceed the number of elected, appointed, and *ex officio* members.

Present  
Board to  
continue

- (6) Upon this section coming into force, the present members of the Board shall continue to hold office in accordance with their election or appointment not inconsistent herewith, and the Board shall be enlarged by the appointments as provided in clauses *f* and *g* of subsection 1.

Filling of  
vacancies

- (7) Subject to subsection 6, any vacancies that may exist in the Board by reason of this section coming into force shall be filled by appointments to be made by the Board at the first regular meeting held after this section comes into force, such appointments to be made subject to subsection 8.

Manner of  
election and  
appointment

- (8) In all other respects, all elections and appointments to the Board of Trustees shall be made in accordance with the administrative by-laws of the hospital in effect from time to time, subject to the provisions of *The Public Hospitals Act*.

R.S.O. 1960,  
c. 322

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent.<sub>ment</sub>

**3.** This Act may be cited as *The Charlotte Eleanor Englehart* <sup>Short title</sup>  
*Hospital Act, 1970.*



## CHAPTER 143

**An Act respecting  
Cornwall Street Railway,  
Light and Power Company Limited**

*Assented to May 4th, 1970  
Session Prorogued November 13th, 1970*

**W**HEREAS the Cornwall Street Railway, Light and Preamble  
Power Company Limited by its petition has prayed for  
special legislation in respect of the matter hereinafter set  
forth; and whereas it is expedient to grant the prayer of the  
petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** Notwithstanding *The Public Utilities Corporations Act* Authority  
to sell assets  
R.S.O. 1960,  
c. 336  
and *The Railways Act*, the Cornwall Street Railway, Light  
and Power Company Limited, is authorized to sell all the R.S.O. 1950,  
c. 331  
land, buildings, fixtures, equipment, rolling stock and pro-  
prietary rights pertaining to its freight switching business in  
the City of Cornwall and set out in the Schedule hereto.

**2.** This Act comes into force on the day it receives Royal Commence-  
ment  
Assent.

**3.** This Act may be cited as *The Cornwall Street Railway,* Short title  
*Light and Power Company Limited Act, 1970.*

## SCHEDULE

## 1. MATERIAL ASSETS:

- (i) Rolling Stock: Ten Baldwin Westinghouse Locomotives.
- (ii) Service and Maintenance of Way Equipment: Two sweepers, one trolley tower car, one plow, one maintenance of way car, one half-ton truck, one one-ton truck, all radio cab equipment installed in the foregoing, one power drill and all repair stock in stores.
- (iii) Trackage: All tracks, exclusive of those on Cornwall Street Railway, Light and Power Company Limited property in the vicinity of the car barns.
- (iv) Overhead Trolley System: All trolley used exclusively for freight, all round 4/0 copper wire and hangers on joint use lines, all overhead repair stock in stores.
- (v) Records: All drawings pertaining to locomotives and tracks, and engineering drawings pertaining to the freight switching division.

2. EASEMENTS, RIGHTS-OF-WAY, ETC.: All of the proprietary rights and interests of the Cornwall Street Railway, Light and Power Company Limited pertaining to the operation and maintenance of its freight switching business, including easements, rights-of-way, agreements for maintenance and rights-of-way, interchange and switching agreements, and storage and lease agreements.

## CHAPTER 144

**An Act respecting Dennis Realty Co. Limited***Assented to May 4th, 1970**Session Prorogued November 13th, 1970*

**W**HEREAS Robert Frederick Smith by his petition has <sup>Preamble</sup> represented that Dennis Realty Co. Limited, herein called the Corporation, was incorporated by letters patent dated the 31st day of May, 1949; that the Provincial Secretary, by order dated the 10th day of March, 1966, and made under the authority of subsection 2 of section 326 of *The Corporations Act*, cancelled the letters patent of the Corporation and declared it to be dissolved on the 14th day of April, 1966; that the petitioner was the auditor of the Corporation at the time of its dissolution; that the notice of default in filing annual returns required by the said subsection 2 of section 326 of *The Corporations Act* was sent to each of the persons of record on the files of the Department of the Provincial Secretary; that the said notice was not received by Robert Frederick Smith and he was not aware of the dissolution of the Corporation until more than one year after the date thereof; that the Corporation at the time of its dissolution was actively carrying on the business authorized by its letters patent; and whereas the petitioner has prayed for special legislation reviving the Corporation; and whereas it is expedient to grant the prayer of the petition;

R.S.O. 1970,  
c. 71

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Dennis Realty Co. Limited incorporated by letters patent dated the 31st day of May, 1949 is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Dennis  
Realty Co.  
Limited  
revived

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Dennis Realty Co. Limited Act, 1970*.

## CHAPTER 145

## An Act respecting Detroit Hotel Limited

*Assented to May 4th, 1970  
Session Prorogued November 13th, 1970*

**W**HEREAS Dragica Sukunda, also known as Dorothy Sukunda, executrix of the Last Will and Testament of John Sukunda, Dragica Sukunda in her personal capacity, Steve Krajnovich and Jenny Krajnovich by their petition have represented that Detroit Hotel Limited, hereinafter called the Corporation, was incorporated by letters patent dated the 30th day of August, 1943; that the Provincial Secretary, by order dated the 3rd day of June, 1965 and made under the authority of subsection 2 of section 326 of *The Corporations Act*, cancelled the letters patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 8th day of July, 1965; that the petitioners were all the directors and the holders of all the common shares of the Corporation at the time of its dissolution; that the Corporation at the time of its dissolution was and is now carrying on an active business in premises leased by it and known as 1211 Drouillard Road, Windsor, Ontario; and whereas the petitioners have prayed for special legislation reviving the Corporation; and whereas it is expedient to grant the prayer of the petition;

Preamble  
R.S.O. 1960,  
c. 71

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Detroit Hotel Limited, incorporated by letters patent dated the 30th day of August, 1943, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Detroit  
Hotel  
Limited  
revived

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3.

Short title      **3.** This Act may be cited as *The Detroit Hotel Limited Act*,  
1970.

## CHAPTER 146

# An Act respecting The Incorporated Synod of the Diocese of Huron

*Assented to May 4th, 1970  
Session Prorogued November 13th, 1970*

**W**HEREAS The Incorporated Synod of the Diocese Preamble  
of Huron by its petition has represented that by  
section 12 of *An Act to Incorporate the Synod of the Diocese of  
Huron, and to unite the Church Society of the Diocese of Huron  
therewith*, Statutes of Ontario, 1874, Chapter 74, it was  
authorized to invest all or any of the funds entrusted to its  
care, including those derived from the sale of rectory lands, in  
government securities, municipal debentures, the stocks of  
any chartered bank or permanent building society or other  
incorporated financial company in Canada, or in mortgages  
of real estate, and in no other securities; and whereas the  
Synod desires to be empowered to invest the assets comprising  
the funds held by it in trust in such a manner so as to obtain  
a greater diversity of investment and an increase in the  
income derived therefrom; and whereas the petitioner has  
prayed that special legislation be passed for such purposes;  
and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1.—(1) Section 12 of *An Act to Incorporate the Synod of the  
Diocese of Huron, and to unite the Church Society of the Diocese  
of Huron therewith*, Statutes of Ontario, 1874, Chapter 74,  
is repealed and the following substituted therefor: 1874, c. 74,  
s. 12, re-  
enacted

## 12. The Synod;

**Investment  
of funds**

- (a) shall invest not less than 80 per cent of the  
book value of the assets, now or hereafter  
comprising the funds held by it in trust, in  
government securities, municipal debentures,  
stocks of any chartered bank or permanent  
building society or any other incorporated  
financial company in Canada, or in mort-  
gages of real estate; and

(b)

(b) may invest up to 20 per cent of the book value of such assets in investments in which companies registered under Part III of the *Canadian and British Insurance Companies Act* (Canada), as amended, are now or hereafter may be authorized to invest under the provisions of the said Act,

R.S.C. 1952,  
c. 31

and may alter and vary such investments from time to time by substituting others of a like nature; but nothing in this Act contained shall be construed to give the Synod power or authority to apply the income derived from any such investments otherwise than in strict accordance with the special trusts relating to such funds respectively.

Exemption

R.S.O. 1960,  
c. 47

(2) This section does not apply to funds held by the Synod that are perpetual care funds as defined in *The Cemeteries Act*.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Incorporated Synod of the Diocese of Huron Act, 1970*.

## CHAPTER 147

**An Act respecting  
The Incorporated Synod of the  
Diocese of Ontario**

*Assented to May 4th, 1970  
Session Prorogued November 13th, 1970*

**W**HEREAS The Incorporated Synod of the Diocese of Preamble  
Ontario and the Rectors and Wardens of St. Thomas' Church, Christ Church and St. Margaret's-on-the-Hill, all of the City of Belleville, in the County of Hastings, by their petition have represented that by the sale of certain real property in the City of Belleville, in the County of Hastings, duly authorized by the Vestry of St. Thomas' Church and by The Incorporated Synod of the Diocese of Ontario, the said Incorporated Synod of the Diocese of Ontario did receive certain substantial sums of money for investment purposes on account of The Belleville Rectory to be held pursuant to *An Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Ontario*, Statutes of Ontario, 1876, Chapter 109, that by special Vestry meetings of all of the aforementioned Anglican parishes in the City of Belleville all Vestries recommended that "from the investments of the Belleville Rectory Committee, the Rector of St. Thomas' Church shall annually receive the sum of Two Thousand, Five Hundred Dollars instead of Two Thousand Dollars heretofore paid and that the surplus of the yearly income of the Rectory of Belleville be divided between the incumbents of Christ Church, Belleville, and St. Margaret's-on-the-Hill, Belleville, and the incumbents of such other Church or Churches in such proportions as the Synod shall determine in pursuance of the power conferred upon it by Statute"; that The Incorporated Synod of the Diocese of Ontario at its annual Synod held in the City of Kingston, in the County of Frontenac, on the 20th day of May, 1969, did concur in the resolution of the aforementioned Vestries to petition the Legislature of the Province of Ontario for enabling legislation to provide for such distribution; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1876, c. 109  
s. 4, amended

**1.** Section 4 of *An Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Ontario*, Statutes of Ontario, 1876, Chapter 109, is amended by striking out "two thousand dollars" in the ninth line and inserting in lieu thereof "two thousand, five hundred dollars", so that the section shall read as follows:

Rights of  
incoming  
incumbents

**4.** No incumbent of any such Rectories in the said Diocese, who may be inducted therein after the passing of this Act, shall receive, out of the proceeds of such sales, invested as in the said Rectory Act last mentioned, a sum larger than will, together with the rents, issues and profits of the lands of the said Rectory of which he is incumbent, then remaining unsold, amount to the sums following, that is to say: as to the Rectory of Kingston, the sum of three thousand dollars a year; as to the Rectory of Belleville, the sum of two thousand, five hundred dollars a year; and as to the rectories in other townships, the sum of one thousand, six hundred dollars; and all and any excess of interest arising from the proceeds of such sales and of the rents, issues and profits of the lands of such rectory respectively remaining unsold, beyond such annual payments aforesaid, shall be apportioned to and divided among the incumbents of the other churches of the said Church, in the city, town or townships in which the lands belonging to such rectory are situate, or which to such rectory belongs respectively, in such proportions as such Incorporated Synod shall, by resolution, by-law or canon, from time to time order and direct.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Incorporated Synod of the Diocese of Ontario Act, 1970*.

## CHAPTER 148

# **An Act respecting The Excelsior Life Insurance Company**

*Assented to May 4th, 1970*

*Session Prorogued November 13th, 1970*

**W**HEREAS The Excelsior Life Insurance Company, and Preamble  
in French, L'EXCELSIOR, Compagnie d'Assurance-  
Vie, hereinafter called the Company, by its petition has  
represented that it was incorporated under the laws of the  
Province of Ontario by letters patent bearing date August 7,  
1889; and whereas the Company desires to be continued under  
the jurisdiction of the Parliament of Canada; and whereas  
the petitioner has prayed for special legislation for such  
purposes; and whereas it is expedient to grant the prayer of  
the petition;

Therefore, Her Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of  
Ontario, enacts as follows:

**1.** Subject to authorization by special resolution under Application  
to Minister  
of Consumer  
and  
Corporate  
Affairs  
authorized  
*The Corporations Act*, the Company may apply to the Minister  
of Consumer and Corporate Affairs of Canada for letters  
patent continuing the Company as if it had been incorporated  
under an Act of the Parliament of Canada and providing,  
*inter alia*, that all rights and interests of the shareholders,  
policyholders and creditors of the Company in, to or against  
the property, rights and assets of the Company and all liens  
upon the property, rights and assets of the Company are  
unimpaired by such continuation.

**2.** Upon the issue of the letters patent referred to in Application  
of  
R.S.O. 1960,  
c. 71  
section 1, the Company shall file with the Minister of Financial  
and Commercial Affairs a notice of the issue of such letters  
patent together with a copy of such letters patent certified  
by the Department of Consumer and Corporate Affairs  
and on and after the date of the filing of such notice, *The  
Corporations Act* shall cease to apply to the Company.

**3.** The Minister of Financial and Commercial Affairs may, Certificate  
on receipt by him of the notice and certified copy of the

letters

letters patent referred to in section 2, issue a certificate to the Company confirming the date of such filing.

1966, c. 167,  
repealed      **4.** *The Excelsior Life Insurance Company Act, 1966* is repealed.

Commence-  
ment      **5.** This Act comes into force on the day it receives Royal Assent.

Short title      **6.** This Act may be cited as *The Excelsior Life Insurance Company Act, 1970*.

## CHAPTER 149

## An Act respecting Fermack Bowling Limited

*Assented to May 4th, 1970*  
*Session Prorogued November 13th, 1970*

**W**HEREAS Cecil James Ferby, Donalda Ferby and Alexander Roy McIntyre, by their petition have represented that Fermack Bowling Limited, herein called the Corporation, was incorporated by letters patent dated the 27th day of April, 1961; that the Provincial Secretary by order dated the 28th day of October, 1965, and made under the authority of subsection 2 of section 326 of *The Corporations Act*, did cancel the letters patent of the Corporation and declare it to be dissolved as of the 2nd day of December, 1965; that the petitioners were all the directors of the Corporation and represented the holders of all of the common shares of the Corporation at the time of the cancellation of the letters patent and dissolution of the Corporation; that subsequent to the making of the said order by the Provincial Secretary assessments were made against the Corporation for corporation tax under *The Corporations Tax Act*; that the petitioners desire that any liability for tax be determined on the merits; and whereas the petitioners have prayed for special legislation reviving the Corporation; and whereas it is expedient to grant the prayer of the petitioners;

Preamble

R.S.O. 1960,  
cc. 71, 73

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Fermack Bowling Limited, incorporated by letters patent dated the 27th day of April, 1961, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as at the date fixed in the said order for its dissolution, and declared to be a subsisting Corporation since its incorporation in the same manner and to the same extent as if it had not been dissolved.

Fermack  
Bowling  
Limited  
revived

(2) This Act does not affect any liability to which the persons who were shareholders of Fermack Bowling Limited at the time of its dissolution would be subject if this Act had not been passed.

Liability of  
shareholders

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Fermack Bowling Limited Act, 1970*.

## CHAPTER 150

**An Act respecting the Town of Fort Erie***Assented to June 26th, 1970**Session Prorogued November 13th, 1970*

**W**HEREAS The Corporation of the Town of Fort Erie <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Agreement made between The Corporation of the Town of Fort Erie and the Buffalo and Fort Erie Public Bridge Authority, bearing date the 26th day of January, 1970, set out as the Schedule hereto, is hereby validated and confirmed and declared to be valid and binding upon The Corporation of the Town of Fort Erie and the Buffalo and Fort Erie Public Bridge Authority, and the parties are hereby empowered to carry out and enforce their respective obligations and rights thereunder. <sup>Agreement validated</sup>

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**3.** This Act may be cited as *The Town of Fort Erie Act*, <sup>Short title</sup> 1970.

SCHEDULE

AGREEMENT made in triplicate this 26th day of January, 1970.

BETWEEN:

BUFFALO AND FORT ERIE PUBLIC BRIDGE AUTHORITY  
hereinafter called "The Bridge Authority",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWN OF FORT ERIE  
hereinafter called "The Corporation",

OF THE SECOND PART.

WHEAREAS the Parties hereto desire to continue the present arrangement of determining the taxes payable by the Bridge Authority for a period of seven years;

AND WHEREAS the Parties have agreed that the taxes to be paid by the Bridge Authority to the Corporation in respect of taxation on all the property of the Bridge Authority in the Town of Fort Erie and business assessment in respect thereto for the years, 1970, 1971, 1972, 1973, 1974, 1975, and 1976 shall be as hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises hereinafter set forth, the Parties hereto mutually agree as follows:

1. The Bridge Authority shall pay to the Corporation of the Town of Fort Erie for all municipal taxes against the real property, buildings, improvements and structures of the Bridge Authority owned, leased, occupied or managed by it situated in The Town of Fort Erie, and for business assessment, and against the Bridge Authority itself for the years 1970 to 1976 inclusive, the following sums of money namely:

1970. ....	\$80,000.00 plus local improvement rates
1971. ....	\$81,500.00 plus local improvement rates
1972. ....	\$81,500.00 plus local improvement rates
1973. ....	\$82,500.00 plus local improvement rates
1974. ....	\$82,500.00 plus local improvement rates
1975. ....	\$82,500.00 plus local improvement rates
1976. ....	\$83,500.00 plus local improvement rates

2. The assessment of the said real property, buildings, improvements and structures acquired, held, leased or managed by the Bridge Authority within the corporate limits of the Town of Fort Erie, including business assessment, and of the Bridge Authority itself, shall, for the purposes of taxation in each year of the years 1970 to 1976, be entered on the Assessment and Collector's Roll of the said Town of Fort Erie in respect of the said years at no higher valuation than will produce the above mentioned sums per annum in the said respective years at the rate or rates in the dollar which shall have been fixed by a by-law or by-laws of the said Corporation for authorizing, levying and collection of rates for the purposes of the municipality and the said valuation shall be held and taken to be the assessed valuation for which, during the said years, the said property, business assessment and Bridge Authority hereinbefore described shall be entered upon the Assessment and Collector's Roll for the purpose of levying and collecting all rates, exclusive of local improvement rates, and it shall be the duty of the Assessor from time to time during the said period to assess the same in accordance with the valuations hereby fixed and for no other or greater sum.

3. The said sums for the respective years set forth in paragraph No. 1 above for each of the said respective years shall be payable to the Corporation each and every year during the term of this Agreement on or before the 30th day of January.

4. The Corporation hereby undertakes and covenants with the Authority to apply at the earliest possible time hereafter for legislation of the Province of Ontario to give full effect to all provisions in this Agreement and to do all acts and things necessary to make the said provisions valid and binding, and will abide by, observe and carry out the same according to the spirit, true intent and meaning thereof.

5. The Authority hereby undertakes and covenants with the Corporation to cooperate with the Corporation to obtain the necessary legislation to give full effect to this Agreement and to make the same valid and binding, it being understood and agreed, however, that the Authority shall not in any way or under any circumstance be responsible for failure on the part of the Corporation to secure the said legislation.

6. That the making of this Agreement and acts of any party hereunder or incidental thereto shall not in any way prejudice the rights in law of any parties during or after the expiration of the term hereof.

7. That all the provisions herein contained shall enure to the benefit of and be binding upon the successors and assigns of each and all of the parties hereto.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their Corporate seals the day and year first above written.

SIGNED, SEALED, DELIVERED AND COUNTERSIGNED by the proper officers of the Parties hereto:

BUFFALO AND FORT ERIE PUBLIC  
BRIDGE AUTHORITY:

RAY F. WILLSON,  
*Chairman.*

G. WEIR,  
*Secretary.*

THE CORPORATION OF THE TOWN OF  
FORT ERIE:

JOHN M. TEAL,  
*Mayor.*

(SEAL)

J. A. SAUER,  
*Clerk.*



## CHAPTER 151

## An Act respecting the Town of Georgetown

*Assented to May 4th, 1970*  
*Session Prorogued November 13th, 1970*

**W**HEREAS The Corporation of the Town of Georgetown,<sup>Preamble</sup> herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Corporation may pass, without the assent of the electors of the Corporation, a by-law to repeal By-law 80-A which provided for the adoption of *The Public Parks Act*.<sup>Authority to pass by-law R.S.O. 1960, c. 329</sup>

**2.** This Act comes into force on the day it receives Royal Assent.<sup>Commencement</sup>

**3.** This Act may be cited as *The Town of Georgetown Act*,<sup>Short title</sup> 1970.



## CHAPTER 152

**An Act respecting  
The Haldimand-Norfolk County  
Roman Catholic Separate School Board**

*Assented to May 4th, 1970  
Session Prorogued November 13th, 1970*

**W**HEREAS The Haldimand-Norfolk County Roman Catholic Separate School Board by its petition has prayed for special legislation in respect of the matter herein-after set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Haldimand-Norfolk County Roman Catholic Separate School Board is hereby authorized to pass a by-law without obtaining the approval of the Ontario Municipal Board authorizing the borrowing of a sum not exceeding \$92,754 upon debentures of the Board, payable in not more than twenty years, for the purpose of paying the cost of an addition constructed in 1966 to St. Michael's Separate School, Walsh.

By-law  
authorized

**2.** Sections 55, 56, 57 and 58 of *The Ontario Municipal Board Act* apply in respect of a by-law passed under section 1 and the debentures to be issued thereunder.

Application  
of  
R.S.O. 1960,  
c. 274, ss.  
55-58

**3.** For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act* authorizing the construction referred to in section 1 and authorizing The Haldimand-Norfolk County Roman Catholic Separate School Board to issue debentures under section 1.

Order of  
O.M.B.  
deemed  
issued

**4.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**5.** This Act may be cited as *The Haldimand-Norfolk County Roman Catholic Separate School Board Act, 1970*.

Short title



## CHAPTER 153

**An Act respecting the City of Hamilton***Assented to May 4th, 1970**Session Prorogued November 13th, 1970*

**W**HEREAS The Corporation of the City of Hamilton Preamble  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas  
it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and  
consent of the Legislative Assembly of the Province of  
Ontario, enacts as follows:

**1. In this Act,**Interpreta-  
tion

- (a) "pupil" means a person who is a pupil attending a  
secondary school, or an elementary school in the  
City of Hamilton under the jurisdiction of The  
Board of Education for the City of Hamilton or  
The Wentworth County Roman Catholic Separate  
School Board, or a private school in the City of  
Hamilton as defined in *The Department of Education* R.S.O. 1960,  
c. 94  
*Act*;
- (b) "recipient" means,
- (i) a person to whom an allowance is granted  
under *The Disabled Persons' Allowances Act* R.S.O. 1960,  
c. 107  
and includes an applicant for an allowance,
  - (ii) a disabled person to whom an allowance is  
provided under *The Family Benefits Act*, 1966, c. 54  
1966,
  - (iii) a person to whom an allowance is provided  
under clause *a* or *b* of subsection 1 of section  
7 of *The Family Benefits Act*, 1966,
  - (iv) a person who is in receipt of a pension under  
the *Old Age Security Act* (Canada). R.S.C. 1952,  
c. 200

Reduced  
rates to  
recipients  
and pupils

**2.** The Corporation of the City of Hamilton may make grants to the Hamilton Transit Commission to cover the cost of providing, within whatever hours may be specified, transportation free of charge or at a reduced rate to recipients and pupils who are residents of the City of Hamilton.

1961-62, c.  
151, s. 2,  
repealed

**3.** Section 2 of *The City of Hamilton Act, 1961-62 (No. 2)* is repealed.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The City of Hamilton Act, 1970*.

## CHAPTER 154

## An Act respecting the City of London

*Assented to May 4th, 1970  
Session Prorogued November 13th, 1970*

**W**HEREAS The Corporation of the City of London, Preamble  
herein called the Corporation, by its petition has  
prayed for special legislation in respect of the matters herein-  
after set forth; and whereas it is expedient to grant the prayer  
of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** By-laws may be passed by the council of the Corporation Authority  
to pass  
by-laws  
requiring  
removal  
of snow  
requiring the owners of shopping centres, high-rise apartment  
and commercial buildings, or any combination thereof, to  
remove forthwith any accumulation of snow exceeding six  
inches that has been deposited on the private roads giving  
access to the aforesaid buildings and the parking areas  
appurtenant to them and empowering the Corporation, in the  
event of non-compliance with any such by-law, to proceed  
immediately with the removal of such snow at the expense  
of the owner and to recover such expense in the same manner  
as municipal taxes may be recovered and such expense shall  
be deemed to be taxes.

**2.** This Act comes into force on the day it receives Royal Commence-  
ment  
Assent.

**3.** This Act may be cited as *The City of London Act, 1970*. Short title



## CHAPTER 155

**An Act respecting  
Morina Electronics Manufacturing  
Company Limited**

*Assented to May 4th, 1970  
Session Prorogued November 13th, 1970*

**W**HEREAS Frank George Morina, Irma Jean Morina, Preamble and Alexander Roy McIntyre, by their petition have represented that Morina Electronics Manufacturing Company Limited, herein called the Corporation, was incorporated by letters patent dated the 9th day of May, 1961; that the Provincial Secretary by order dated the 1st day of December, 1966, and made under the authority of subsection 2 of section 326 of *The Corporations Act*, did cancel the letters patent of the Corporation and declare it to be dissolved as of the 5th day of January, 1967; that the petitioners were all the directors of the Corporation and represented the holders of all of the common shares of the Corporation at the time of the cancellation of the letters patent and dissolution of the Corporation; that subsequent to the making of the said order by the Provincial Secretary assessments were made against the Corporation for corporation tax under *The Corporations Tax Act*; that the petitioners desire that any liability for tax be determined on the merits; and whereas the petitioners have prayed for special legislation reviving the Corporation; and whereas it is expedient to grant the prayer of the petition;

R.S.O. 1960,  
c. 71, 73

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—**(1) Morina Electronics Manufacturing Company Limited, incorporated by letters patent dated the 9th day of May, 1961, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as at the date fixed in the said order for its dissolution, and declared to be a subsisting Corporation since its incorporation in the same manner and to the same extent as if it had not been dissolved.

Morina  
Electronics  
Manufactur-  
ing  
Company  
Limited  
revived

Liability of  
shareholders  
not affected

(2) This Act does not affect any liability to which the persons who were shareholders of Morina Electronics Manufacturing Company Limited at the time of its dissolution would be subject if this Act had not been passed.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Morina Electronics Manufacturing Company Limited Act, 1970*.

## CHAPTER 156

## An Act respecting the City of Niagara Falls

*Assented to May 4th, 1970  
Session Prorogued November 13th, 1970*

**W**HEREAS The Corporation of the City of Niagara Falls, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The council of the Corporation may by by-law grant to The Young Men's Christian Association of Greater Niagara the sum of \$125,000 payable at the rate of \$25,000 annually for a period of five years to be applied by that Association towards the cost of construction of a family recreation centre in part of Township Lot 76, formerly in the Township of Stamford and now in the City of Niagara Falls. Authority  
to make  
grant

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The City of Niagara Falls Act, 1970*. Short title



## CHAPTER 157

## An Act respecting the City of Niagara Falls

*Assented to May 4th, 1970**Session Prorogued November 13th, 1970*

**W**HEREAS The Corporation of the City of Niagara Falls, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Notwithstanding any general or special Act, By-law No. 70-21 passed by the council of the Corporation on the 16th day of February, 1970 and the agreement dated the 16th day of February, 1970 between the Corporation and Niagara Monorail Limited granting to the said Niagara Monorail Limited the right to construct and operate a monorail transportation system in the City of Niagara Falls and to construct and maintain parts of the monorail transportation system on, across and over highways in the City of Niagara Falls upon and subject to the terms and conditions set forth in the agreement, both the said by-law and agreement being set forth in the Schedule hereto, are and each of them is hereby confirmed and declared to be valid and binding upon the parties thereto and the said parties are hereby empowered to carry out their respective obligations and exercise their respective privileges under the said agreement.

By-law and agreement valid and binding

(2) The council of the Corporation is hereby authorized and empowered to pass such by-laws and enter into such other agreements and do all such other acts, matters and things as may be considered necessary by the Corporation for the full and proper carrying out of the provisions of the said agreement.

Authority to pass by-laws

**2.** None of the provisions of any by-law passed under section 30 of *The Planning Act* or a predecessor of section 30 by the council of the Corporation or by the council of The Corporation of the Township of Stamford or by the council of

Provisions of by-laws not to apply R.S.O. 1960, c. 296

The Corporation of the Village of Chippawa shall apply to prevent the construction, maintenance and operation of the monorail transportation system in accordance with the provisions of the said agreement set forth in the Schedule to this Act.

Assent  
of electors  
not required

**3.** The Corporation is not required to obtain the assent of the electors of the City of Niagara Falls or any class thereof to the by-law set forth in the Schedule to this Act or to any other by-law passed by the council of the Corporation under this Act.

Monorail  
deemed not  
a railway  
R.S.O. 1950,  
c. 331

**4.** Niagara Monorail Limited is deemed not to be a railway for the purposes of *The Railways Act*.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The City of Niagara Falls Act, 1970 (No. 2)*.

## SCHEDULE

## CITY OF NIAGARA FALLS

## BY-LAW No. 70-21

A BY-LAW to authorize an agreement with Niagara Monorail Limited.

WHEREAS it is deemed expedient to enter into an agreement with Niagara Monorail Limited granting the said Company the right to construct and operate a monorail transportation system in the City of Niagara Falls for a period of 20 years on the terms set out in the said agreement;

NOW THEREFORE the Council of the Corporation of the City of Niagara Falls enacts as follows:

1. That the agreement dated the 16th day of February, 1970 between The Corporation of the City of Niagara Falls and Niagara Monorail Limited, a copy of which is set forth in the schedule attached to and forming part of this by-law, is hereby approved and authorized.

2. The Mayor and Clerk are hereby authorized and directed to execute the said agreement and the Clerk is hereby authorized and directed to affix the corporate seal thereto and to deliver the said agreement.

PASSED this 16th day of February, 1970.

J. L. COLLINSON,  
*Clerk.*

F. J. MILLER,  
*Mayor.*

(SEAL)

First Reading: February 16th, 1970.

Second Reading: February 16th, 1970.

Third Reading: February 16th, 1970.

## SCHEDULE

## TO CITY OF NIAGARA FALLS

BY-LAW No. 70-21

THIS AGREEMENT made the sixteenth day of February, 1970.

BETWEEN:

THE CORPORATION OF THE CITY OF NIAGARA FALLS  
(Hereinafter called the "City"),

OF THE FIRST PART

—and—

NIAGARA MONORAIL LIMITED, a private company  
incorporated under the laws of the Province of Ontario  
and having its head office in the City of Niagara Falls,  
in the Regional Municipality of Niagara,  
(Hereinafter called the "Company"),

OF THE SECOND PART.

WHEREAS the Company was incorporated by letters patent of the Province of Ontario dated the 1st day of November, 1966 and has applied to the City for the right to construct and operate a monorail transportation system in part of the City of Niagara Falls together with the right to use or occupy parts of highways of the City for the purpose of the said monorail transportation system; and

WHEREAS the City deems it desirable to grant the said request subject to the provisions of this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT IN CONSIDERATION OF THE PREMISES, the City and the Company covenant and agree each with the other as follows:

## 1. In this agreement,

- (a) "highway" means a common and public highway and includes a street, road, lane, road allowance, bridge, and any other structure incidental thereto;
- (b) "monorail transportation system" means and includes a system for the carriage of passengers in cars suspended from elevated tracks and operated by means of gasoline, diesel fuel, electricity or other power, except steam, and all structures, tracks, works, cars and other equipment used in connection therewith including buildings or structures for stations;
- (c) "railway" means that section of the railway of Penn Central Transportation Company between Queen Street in the City of Niagara Falls and Front Street in the former Village of Chippawa, now in the City of Niagara Falls, referred to in Order No. R-7570 of the Railway Transport Committee of the Canadian Transport Commission dated the 22nd day of December, 1969;
- (d) "road authority" includes the City, The Regional Municipality of Niagara and the Department of Highways of Ontario; and
- (e) "utility authority" means any public body, commission or authority established or exercising any power or authority under any general or special Act with respect to waterworks, electric

light

light, heat or power works or sewage works and includes the City, The Regional Municipality of Niagara, The Hydro-Electric Power Commission of Ontario and The Hydro-Electric Commission of the City of Niagara Falls.

2. Subject to the agreements, obligations, terms and conditions herein-after contained, the City grants to the Company the right to construct and operate a monorail transportation system on, across and over those highways in the City of Niagara Falls now crossed by the Penn Central Transportation Company right-of-way listed in Schedule "A" to this agreement and hereinafter referred to as "the said highways".

3. Nothing in this agreement shall be deemed to grant the Company an exclusive right to construct or operate a monorail transportation system.

4. The Company shall have the right to construct and maintain overhead tracks across and over the said highways subject to the following:

- (a) the minimum clearance between the surface grade of each of the said highways and the lowest point of any structure, track, car, wire or other work or equipment of the monorail transportation system at any time erected, existing, maintained or operated above any part of each such highway shall be 23 feet;
- (b) prior to submitting the plans referred to in clause c of this paragraph to the Railway Transport Committee, the Company shall obtain the approval of the City Engineer of the location and type of the columns which the Company intends to construct;
- (c) detailed plans of the said tracks and supporting structures, as approved by an engineer of the Railway Transport Committee of the Canadian Transportation Commission, the Chief Engineer of Penn Central Transportation Company, and a structural engineer registered with the Association of Professional Engineers of Ontario shall be filed with the City Engineer before construction is commenced;
- (d) the Company shall not erect any columns, poles or other structures, whether to support the overhead tracks or for any other purpose, on any part of the said highways without the express approval in writing of the City;
- (e) the Company shall be responsible for determining the precise location of any and all watermains, sewer mains, forcemains and underground pipes, cables, wires and utilities of every type in or adjacent to each area in which the Company proposes to construct any works and the Company shall take all precautions necessary, including provision of such means of support as may be required by the owner thereof, to ensure that the said watermains, sewer mains, forcemains, pipes, cables, wires and utilities are not interfered with or damaged in any way.

5.—(a) If, at any time or times hereafter, in the opinion of the City or other road authority or utility authority the presence or use of, or operation of monorail cars from, any structure, track, work or other equipment of the monorail transportation system except station buildings interferes with any existing work of or work to be constructed by the City or other road authority or utility authority, the Company shall, at its own cost and expense and within the time hereinafter specified, upon notice in writing from the City or other road authority or utility authority, remove to another location or locations or alter the height of one or more of such structures, tracks, works or other equipment of the monorail transportation system except station buildings as may be designated by the City or other road authority or utility authority or both remove to another location or locations and alter the height of the said structures, tracks, works or other equipment, provided in any case that it is possible to carry out such work of removal or alteration of height or both on or within the limits of the land and

air space across, on, over or through which the Company has acquired rights from the Penn Central Transportation Company or on or within the limits of adjoining land now or hereafter owned by the City or other road authority or utility authority and across, on, over or through which the Company is granted rights equivalent to those which it has acquired from Penn Central Transportation Company; and all the terms and conditions of this agreement shall then apply to the said structures, tracks, works and other equipment in their new location or locations.

- (b) The Company shall complete any work of removal or alteration of the height of the said structures, tracks, works or other equipment mentioned in clause *a* within 12 months after notice has been given to it by the City or other road authority or utility authority.

6. If the City or other road authority acquires the railway right-of-way or any part or parts thereof for highway purposes, the provisions of paragraph 5 shall apply, *mutatis mutandis*, to any station buildings and structures in addition to the structures, tracks, works and other equipment mentioned in the said paragraph 5.

7. If the railway right-of-way or any part or parts thereof is lowered the Company shall at its own cost and expense and within 12 months of notice in writing from the City make such changes in the elevation and location of the structures, tracks, works or other equipment of the monorail transportation system and of its station buildings and structures as the City shall direct.

8. The City and other road authority and utility authority shall not be required to compensate the Company for any cost, expense or loss (including any loss or revenue from interruption of service) incurred or sustained by the Company as a result of or in any way connected with any work of removal or alteration of the height of the structures, tracks, works or other equipment of the monorail transportation system and its station buildings and structures.

9. The Company shall have the right to erect station buildings or structures at the locations described in Schedule "B" to this agreement subject to the following regulations:

- (a) the external design of all such station buildings and structures shall be approved by the Planning Committee of the Council of the City;
- (b) all such station buildings and structures shall comply with the building by-law of the City;
- (c) no such station building or structure shall be erected on or over any highway.

10. The Company shall provide such extensions to the monorail transportation system as may be agreed upon between it and the City and, subject to like agreement, the Company shall provide an additional station in the vicinity of the proposed parking lot of The Niagara Parks Commission above Dufferin Islands.

11. Within 36 months from the date upon which the Act of the Legislature ratifying this agreement shall have come into force, the Company shall construct and commence operation of the monorail transportation system along the entire route from the Queen Street station to the Chippawa station with not less than 10 monorail cars. All monorail cars shall be provided with rubber tires and adequate lighting, heating and ventilation and the Company shall keep the said cars at all times in good and sufficient state of repair and appearance and clean both inside and out and shall keep the said cars lighted, heated and ventilated at such hours and for such periods of the year as may be necessary for the comfort and convenience of passengers.

12. The Company agrees with the City to provide a regular daily service between the Queen Street and Chippawa stations during the whole of each year at such intervals and upon such schedules as may be annually

agreed

agreed upon between the parties hereto. Negotiations to settle the said intervals and schedules for each year during the currency of this agreement shall take place between the 1st day of October and the 31st day of December of each preceding year.

13. Without the written consent of the City, the Company shall not erect, place or maintain any column, track or other structure or building at a greater height than is reasonably necessary to provide the minimum clearance required above the rail level of the railway and surface grade of a highway, respectively.

14. The Company agrees that it will not erect, place, paint or attach or permit the erection, placing, painting or attaching of any signs as defined in the City's sign By-law No. 6661, 1964 and any by-law passed in substitution or amendment thereof on the exterior of any tracks, rails, structures, buildings or cars of the monorail transportation system, except signs at stations designating the name of the station, entrances, exits and similar directions.

15. The Company shall indemnify and save the City harmless from any and all loss, costs, damages, claims, actions and demands arising from or relating to the construction, maintenance, operation, extension, alteration, repair, control and management of the monorail transportation system or arising from the exercise of any of the rights herein granted.

16. In the event of the Company failing for the period of 6 continuous months to maintain and operate the monorail transportation system in substantial conformity with the provisions of this agreement, the City may declare that all privileges and rights to operate the monorail transportation system which the Company has acquired by this agreement are at an end and such privileges and rights shall thereupon cease and be at an end accordingly; provided however the Company shall not be held to be in default hereunder for failure to maintain and operate if such failure is the result of fire, act of God, strike, riot, insurrection, war or other cause beyond the control of the Company.

17. Whenever the Company ceases to operate the monorail transportation system in accordance with this agreement, the Company shall at its own expense remove all its columns, tracks and other installations and structures and clear the site thereof to at least one foot below grade within not more than 6 months after being requested in writing by the City to do so, and if the Company shall fail to do so the City and its workmen and contractors are hereby authorized to carry out such work of removal and the Company shall reimburse the City for all costs incurred by the City in performing such work (including interest on such costs at the then current bank rate paid by the City) within sixty days after an invoice therefor has been mailed by the City to the Company. The City shall have the right to retain, use or sell all material salvaged by it and shall apply the net proceeds of any material sold on account of the costs to be paid by the Company.

18. The Company shall at all times keep the monorail transportation system insured in a company authorized to carry on business as insurer in the Province of Ontario against public liability, liability to passengers and public and property damage as follows: bodily injury and death, one person—\$1,000,000.00 one accident—\$5,000,000.00 and property damage, one accident—\$100,000.00. The policy evidencing such liability insurance coverage shall provide the City will be given ten days' notice before such coverage will be cancelled and the Company agrees that during said ten day period, it will obtain and provide the City with insurance coverage to meet the requirements of this agreement and failing to do so, this agreement at the option of the City shall cease and terminate its operation until so corrected. The City shall be furnished with a certified true copy of each policy evidencing such insurance coverage.

19. This agreement and the rights granted by the City to the Company shall not be assignable or transferable by the Company without the express consent of the City. The conversion of the Company into a public company shall not, in itself, be deemed an assignment or transfer of this agreement and the said rights.

20. The parties hereto acknowledge and agree that the Company is not a railway company and that the provisions of *The Assessment Act, 1968-69* with respect to railway companies shall not apply to the Company.

21. All matters of difference in relation to this agreement shall be referred to the arbitration of a single arbitrator, if the parties agree upon one, otherwise to three arbitrators, one to be appointed by the Company, one by the City and a third to be chosen by the two arbitrators first named before they enter upon the business of the arbitration, or, failing this agreement, to be appointed by a judge of the Judicial District of Niagara South, and the award and determination of such arbitrator or arbitrators or any two of such three arbitrators shall be binding upon the parties hereto and their respective successors and assigns. All costs of the arbitration shall be borne between the parties hereto in equal shares.

22. The parties hereto acknowledge and agree that the provisions of this agreement respecting the removal, relocation and alteration of the height of structures, tracks, works or other equipment of the monorail transportation system shall be subject to any required approval of the Canadian Transportation Commission.

23. Any notice required to be given by the City to the Company shall be in writing and shall be sufficiently given if mailed in a postage prepaid registered envelope addressed to the Company at Post Office Box 154 Niagara Falls, Ontario and deposited in the Post Office in Niagara Falls, Ontario and any such notice shall be deemed conclusively to have been received on the second day following the date of such mailing.

24. Subject to paragraph 19, this agreement shall enure to the benefit of and be binding upon the respective heirs, executors, administrators, successors and assigns of the parties hereto.

25. The parties hereto agree to join in applying to the Legislature of the Province of Ontario at its next Session for legislation confirming this agreement and declaring the same to be legal, valid and binding upon the parties hereto; the expense of such legislation shall be borne by the Company. This agreement shall take effect when such legislation comes into force and shall continue in force for a period of 20 years.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals attested by the hands of their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED  
In the presence of:

THE CORPORATION OF THE  
CITY OF NIAGARA FALLS:

Mayor.

Clerk.

NIAGARA MONORAIL LIMITED:

PER:

President.

Secretary-treasurer.

## SCHEDULE A

*to the agreement dated February 16th, 1970, between The Corporation of the City of Niagara Falls and Niagara Monorail Limited.*

## HIGHWAYS TO BE CROSSED

Huron Street  
Erie Avenue  
Morrison Street  
Ellis Street  
Ontario Avenue  
Simcoe Street  
Eastwood Street  
Road allowance between Township Lots 127 and 128  
Road allowance between Township Lots 127 and 129  
Clifton Hill  
Robinson Street  
Murray Street  
Oakes Drive  
McLeod Road  
Corfield Street  
Chippawa Street, Chippawa  
Short Street, Chippawa  
Church Street, Chippawa  
Unopened road allowance between Township Lots 193  
and 223  
Unopened road allowance between Township Lots 190  
and 191 and 193 and 194  
Unopened Dixon Street

## SCHEDULE B

*to the agreement dated February 16th, 1970, between The Corporation of the City of Niagara Falls and Niagara Monorail Limited.*

## LOCATION OF STATIONS

- |                                    |   |
|------------------------------------|---|
| Queen Street<br>(Downtown Station) | — All of Lot 4 and parts of Lots 1 and 5 of Block F, Plan 35 for the Town of Niagara Falls, bounded on the north by Queen Street, on the west by Erie Avenue, on the south by Huron Street and on the east by the railway tracks. |
| Clifton Hill                       | — On railway property adjacent to Victoria Avenue at Clifton Hill. Starting at Clifton Hill and running 240 feet south.   |
| Skylon                             | — On railway property commencing 200 feet south of Robinson Street, running southerly 240 feet to the southerly edge of the pedestrian walkway to Skylon Tower.   |
| Heritage                           | — On railway property commencing 140 feet southerly from the centre line of Oakes Drive overpass and running 250 feet southerly.  |
| Marineland                         | — On railway property commencing 1,040 feet north of the north limit of Corfield Street and running northerly 240 feet.   |
| Chippawa                           | — All of lots 12 and 22, registered plan 251 for the Village of Chippawa, bounded on the north by Chippawa Street, on the south by Front Street, and on the east by Norton Street.  |

## CHAPTER 158

## An Act respecting the Town of Oakville

*Assented to May 4th, 1970**Session Prorogued November 13th, 1970*

**W**HEREAS The Corporation of the Town of Oakville Preamble  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

## 1. In this Act,

Interpreta-  
tion

- (a) "Commission" means The Oakville Parks and Recreation Commission;
- (b) "Council" means the council of the Town of Oakville;
- (c) "Town" means The Corporation of the Town of Oakville.

2. There is hereby established a corporation under the name Commission established  
of The Oakville Parks and Recreation Commission composed  
of nine persons appointed by the Council, three of whom  
shall be members of the Council.

3. Notwithstanding any general or special Act, the Com- Powers of  
Commission  
R.S.O. 1960,  
cc. 329, 47,  
60, 94  
mission has all the powers of a Board of Park Management  
constituted under *The Public Parks Act*, a Cemetery Board  
constituted under *The Cemeteries Act*, a Community Centres  
Board constituted under *The Community Centres Act* and a  
Recreation Committee constituted under *The Department of  
Education Act*, and is subject to those Acts except as otherwise  
provided in this Act.

4.—(1) Appointments to the Commission shall be for the Appoint-  
ments to  
Commission  
term specified in the appointing by-law, need not all be of  
the same duration and shall not be of a lesser duration than  
the balance of the year in which they are made or of a greater  
duration than three years.

Term of  
office

(2) A member of the Commission whose term of office expires shall hold office until his successor is appointed.

Quorum

(3) A majority of the members of the Commission constitutes a quorum.

First  
members of  
Commission

5. The first members of the Commission shall be the present members of The Oakville Board of Park Management, The Oakville Cemetery Board, The Oakville Recreation Committee and The Oakville Community Centres Board and thereafter appointments shall be made at the first meeting of the Council held after a vacancy occurs or the term of a member expires, and if for any reason an appointment is not made at that time it shall be made as soon as is practicable thereafter.

Proceedings  
of  
Commission

6. The Commission may make such regulations as it considers desirable for governing its proceedings, the conduct of its members and the calling of meetings.

Remuner-  
ation of  
members

7. The members of the Commission may be paid such remuneration as the Council may determine.

Present  
bodies  
dissolved

8.—(1) The Oakville Board of Park Management, The Oakville Cemetery Board, The Oakville Recreation Committee and The Oakville Community Centres Board are dissolved and the assets and liabilities thereof become the assets and liabilities of the Town, but the lease to the Oakville and District Memorial Community Centre Arena Association dated the 22nd day of February, 1951 is not affected.

Duties,  
responsi-  
bilities, etc.,  
of  
Commission

(2) The Commission has initially all duties, responsibilities, rights and privileges delegated to and enjoyed by any and all of The Oakville Board of Park Management, The Oakville Cemetery Board, The Oakville Recreation Board and The Oakville Community Centres Board immediately prior to this Act coming into force.

Repeal of  
by-laws

(3) The by-laws constituting The Oakville Board of Park Management, The Oakville Cemetery Board, The Oakville Recreation Committee and The Oakville Community Centres Board and in particular, but without limiting the generality of the foregoing, By-laws of the Town of Oakville Numbers 1962-46 and 1962-32 and By-laws of the Township of Trafalgar Numbers 1954-16 and 1957-37, are repealed.

Annual  
estimates

9. The Commission shall, on or before the 1st day of February in each year, submit to the Council an itemized estimate of its financial requirements for the year and, subject to the provisions of *The Public Parks Act*, the Council may

R.S.O. 1960,  
c. 329

accept

accept or amend such estimate and the Town shall pay to the Commission out of the moneys appropriated for the Commission, such amounts as may be requisitioned from time to time.

**10.** All regulatory by-laws of The Oakville Board of Park Management, The Oakville Cemetery Board, The Oakville Recreation Committee and The Oakville Community Centres Board shall continue in force and effect until they are repealed and other provisions substituted. Regulatory by-laws continued

**11.** Notwithstanding *The Assessment Act*, By-law 1969-200 of the Town of Oakville, providing for the extension of the time for the return of the assessment roll to the Clerk to the 28th day of November, 1969, and set forth as the Schedule hereto, is valid and binding for all purposes. By-law validated R.S.O. 1960, c. 23

**12.** This Act comes into force on the day it receives Royal Assent. Commencement

**13.** This Act may be cited as *The Town of Oakville Act*, Short title 1970.

## SCHEDULE

## THE CORPORATION OF THE TOWN OF OAKVILLE

## BY-LAW NUMBER 1969-200

A by-law to extend the time for the return of the assessment roll.

WHEREAS by reason of the change over to electronic data processing, a delay has been experienced in the preparation of the assessment roll for the year 1969.

AND WHEREAS with the approval of the Department of Municipal Affairs, the date for the return of the roll has been extended to the 1st day of November, 1969.

AND WHEREAS the roll is still not in returnable form.

## THE COUNCIL THEREFORE ENACTS AS FOLLOWS:

1. The date by which the assessment roll for the year 1969 must be returned to the Clerk shall be extended from the 1st day of November, 1969 to the 28th day of November, 1969 and the date for closing the Court of Revision shall be extended for a corresponding period.

2. An application for validation of this by-law by Special Act of the Legislature of the Province of Ontario is hereby authorized.

PASSED by the Council this 4th day of November, 1969.

F. M. ANDERSON,  
*Mayor.*

D. W. BROWN,  
*Clerk.*

## CHAPTER 159

## An Act respecting the City of Orillia

*Assented to May 4th, 1970*  
*Session Prorogued November 13th, 1970*

**W**HEREAS The Corporation of the City of Orillia by its Preamble  
petition has represented that it is desirous of establishing a Parks, Community Centres and Recreation Commission for the better development and supervision of its public parks, its recreation facilities and its community centre or centres and for such purposes to charge the Commission with the duties and responsibilities and give it the powers and privileges of the recently constituted Orillia Board of Park Management, Orillia Community Centre Board and Orillia Recreation Commission as established under *The Public Parks Act*, R.S.O. 1960,  
cc. 329, 60,  
*The Community Centres Act* and *The Department of Education* <sup>94</sup> *Act* respectively; and whereas the petitioner has prayed for special legislation in respect of such matters; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Inter-  
pretation

- (a) "City" means The Corporation of the City of Orillia;
- (b) "Commission" means The Orillia Parks, Community Centres and Recreation Commission;
- (c) "Council" means the council of the City of Orillia.

**2.—**(1) Notwithstanding *The Department of Education Act*, Parks,  
Community  
Centres and  
Recreation  
Commission  
*The Public Parks Act* and *The Community Centres Act*, there shall be a commission which shall be known as The Orillia Parks, Community Centres and Recreation Commission, and shall be composed of,

- (a) the head of the Council;
- (b) two members of Council to be appointed by the Council; and

(c)

- (c) six other persons appointed by the Council who shall be residents of the City but not members of Council.

Substitute  
for head of  
Council

(2) The head of the Council, with the approval of Council, may appoint a substitute, who is a member of the Council, to act for him from time to time.

Term of  
office

(3) The members of the Commission who are not members of the Council shall hold office for three years, provided that, on the first appointment, the Council shall designate which member shall hold office,

(a) until the 1st day of January of the year next following the date of his appointment;

(b) until the 1st day of January of the second year next following the date of his appointment; and

(c) until the 1st day of January of the third year next following the date of his appointment,

respectively, so that one-third of such members shall retire each year.

Idem

(4) The members of the Commission who are members of Council shall be appointed annually.

Idem

(5) The members of the Commission shall hold office until their successors are appointed, and are eligible for appointment for two full three-year terms.

Vacancies

(6) Where a member ceases to be a member of the Commission before the expiration of his term of office, the Council shall appoint another eligible person for the unexpired portion of that term.

When  
appoint-  
ments  
to be made

(7) The first appointments of members of the Commission shall be made by the Council immediately upon the coming into force of this Act, and thereafter the appointments shall be made annually at the first meeting of the Council in any year, and any vacancy arising from any cause other than the expiration of the term for which the member was appointed shall be filled at the first meeting of the Council held after the vacancy occurs.

Quorum

(8) A majority of the members of the Commission constitutes a quorum.

Chairman,  
vice-  
chairman,  
etc.

(9) At its first meeting in every year, the Commission shall elect a chairman and a vice-chairman from among the members of the Commission, and in the absence of the chairman, the

vice-chairman

vice-chairman shall preside and shall appoint a secretary, who may, but need not, be a member of the Commission.

(10) The chairman, vice-chairman and secretary shall <sup>Term of office</sup> hold office at the pleasure of the Commission or for such a period as the Commission may prescribe.

(11) When the chairman, vice-chairman or secretary is <sup>Temporary chairman</sup> absent or unable to act, the Commission may appoint a chairman or secretary *pro tempore*.

(12) The Commission may engage such employees and <sup>Staff</sup> consultants as it deems expedient.

(13) The Treasurer of the City shall be the treasurer of the <sup>Treasurer</sup> Commission.

**3.** Except as otherwise provided in this Act, *The Department of Education Act* and the regulations made thereunder, *The Community Centres Act* and the regulations made thereunder and *The Public Parks Act*, except the provisions constituting a Board of Park Management as a corporation and authorizing such a Board to acquire and hold land, apply to the Commission as if it had been established in accordance with such Acts and regulations. <sup>Powers and duties of Commission R.S.O. 1960, cc. 94, 60, 329</sup>

**4.**—(1) When the first members of the Commission have <sup>Assets and liabilities of former Boards and Commission</sup> been appointed, The Orillia Community Centre Board, The Orillia Recreation Commission and The Orillia Board of Park Management are dissolved, and the assets and liabilities thereof become the assets and liabilities of the City.

(2) All by-laws hereinbefore passed in so far as they are <sup>Prior by-laws</sup> inconsistent with the provisions of this Act are hereby repealed or amended so as to give full force and effect to this Act.

**5.** The Commission may contract and may sue and be <sup>Powers of Commission, etc.</sup> sued in its own name, and the members thereof are not personally liable for torts committed by other members of the Commission or its servants or agents or on any contract made by the Commission.

**6.**—(1) The Commission shall, on or before the 15th day <sup>Estimates</sup> of February in each year, submit to the Council an itemized estimate of its financial requirements for the year, and, subject to the provisions of *The Public Parks Act*, the Council may amend such estimate and shall pay out of the moneys appropriated for the Commission such amounts as may be requisitioned from time to time by the Commission. <sup>R.S.O. 1960, c. 329</sup>

Use of  
moneys

(2) Where any moneys have been included in the estimates of the Commission for a designated purpose, they shall be used by the Commission only for such designated purpose and not otherwise.

Duties of  
Commission

**7.** The Commission shall operate, maintain, manage and develop on behalf of the City all recreational centres, parks, playgrounds and other real property of a like nature vested in or leased by the City and used or designed for recreational purposes and shall be in charge of, manage and make available for recreational purposes all recreational equipment, recreational facilities and other personal property belonging to the City and used or designed for recreational purposes.

Commission  
to operate,  
etc.,  
properties

**8.** The Commission shall operate, maintain and manage on behalf of the City all properties which are now or which may hereafter be established as community centres pursuant to *The Community Centres Act*, or the regulations made thereunder.

R.S.O. 1960,  
c. 60

Commence-  
ment

**9.** This Act shall be deemed to have come into force on the 7th day of July, 1969.

Short title

**10.** This Act may be cited as *The City of Orillia Act, 1970*.

## CHAPTER 160

## An Act respecting the City of Ottawa

*Assented to June 26th, 1970*  
*Session Prorogued November 13th, 1970*

**W**HEREAS The Corporation of the City of Ottawa, Preamble  
herein called the Corporation, by its petition has  
prayed for special legislation in respect of the matters herein-  
after set forth; and whereas it is expedient to grant the prayer  
of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1.—(1) Subsection 4 of section 1 of *The City of Ottawa Act*, <sup>1952, c. 130,</sup>  
*1952*, as re-enacted by section 10 of *The City of Ottawa Act*, <sup>s. 1, subs. 4</sup>  
*1966*, and amended by section 3 of *The City of Ottawa Act*, <sup>(1966, c. 179,</sup>  
*1967*, is repealed and the following substituted therefor: <sup>s. 10),</sup>  
re-enacted

- (4) When the Corporation has advanced money as <sup>Lien</sup>  
provided in subsection 3, it shall, upon the registra- <sup>for advances</sup>  
tion of a certificate under subsection 5, have a lien <sup>and</sup>  
upon the dwelling in respect of which the advance <sup>repayment</sup>  
was made for the amount of the advance, together  
with interest thereon at a rate to be fixed from time  
to time by the council of the Corporation, and the  
amount of the advance with the interest thereon is  
repayable to the Corporation by the owner of the  
dwelling in equal consecutive annual payments,  
which shall be collected over a period of years to be  
determined by the council of the Corporation and  
which period shall not exceed ten years but need  
not be the same in the case of each advance, and,  
if default is made with respect to any of the payments  
hereinbefore provided, the whole of the balance of  
the advance, together with accrued interest thereon  
at the time of default, becomes due and payable  
forthwith, and the amount of such balance, including  
interest, shall be deemed to be taxes and shall be  
added to the collector's roll of taxes for the current  
year and shall be collected in the same manner as  
municipal taxes.

1952, c. 130, s. 1, subs. 6, (1956, c. 112, s. 1, subs. 3), re-enacted (2) Subsection 6 of the said section 1, as re-enacted by subsection 3 of section 1 of *The City of Ottawa Act, 1956*, is repealed and the following substituted therefor:

Performance  
by  
Corporation  
and collec-  
tion of costs

- (6) If any owner of a dwelling fails within such time as may be specified by the Corporation or the tribunal appointed under subsection 2 to make the dwelling conform to the standard required by a by-law passed under this section or to demolish all or any part of any building, structure or erection forming part of the dwelling as directed by the Corporation or the tribunal, the Corporation or the tribunal, in addition to all other remedies, shall have the right to make the dwelling conform to the standard or to demolish or cause to be demolished all or any part of any building, structure or erection forming part of the dwelling, and to do any work on adjoining property necessitated by the work involved in making the dwelling conform to the standard or by the demolition, and, for such purposes, with the servants and agents of the Corporation, from time to time to enter upon the lands of the owner and upon adjoining property, and neither the Corporation nor the tribunal shall be liable to compensate the owner or any other person by reason of anything done by or on behalf of the Corporation or the tribunal under this subsection, and, for any amount expended by or on behalf of the Corporation or the tribunal under this subsection, the Corporation shall have a lien upon the dwelling in respect of which the amount was expended, and, subject to the appeal provided by subsection 9, the certificate of the City clerk as to the amount expended shall be final, and such amount shall be deemed to be taxes and added to the collector's roll of taxes for the current year and shall be collected as taxes.

1952, c. 130, s. 1, subs. 7, re-enacted (3) Subsection 7 of the said section 1 is repealed and the following substituted therefor:

Enforcement

- (7) A by-law passed under this section shall be enforceable in the same manner as a by-law passed under *The Municipal Act*, provided that the fine prescribed in section 482 of that Act may be increased to an amount not exceeding \$1,000.

R.S.O. 1960,  
c. 249

1952, c. 130, s. 1, amended (4) The said section 1 is amended by adding thereto the following subsections:

Authority  
to issue  
certificate

- (16) A by-law passed under the authority of this section may authorize a Standards Officer named in the by-law to issue a certificate as to what proceedings, if

any, are being taken as to the date of the certificate and the amount of money advanced pursuant to the provisions of this section or the provisions of any by-law to provide a minimum standard for existing dwellings, and may authorize the collection of a fee for the issue of any such certificate.

- (17) Where a Standards Officer is unable to locate or serve the owner or any other person on whom he desires to serve a notice and order or where it is ascertained that the owner or any such person is not within Ontario, the Standards Officer may send or cause to be sent by prepaid registered mail, a copy of such notice and order addressed to such owner or other persons at his, or their last known address, and he may place a placard containing the terms of the notice and order in a conspicuous place on the dwelling, and the sending of the copy of the notice and order and the placing of the placard shall be deemed to be sufficient service of the notice and order on the owner or other persons.

Service of  
notice,  
placing of  
placard,  
etc.

**2.**—(1) Subsection 4 of section 4 of *The City of Ottawa Act*, 1966, c. 179, 1966, as amended by section 4 of *The City of Ottawa Act*, 1967, is repealed and the following substituted therefor:

s. 4, subs. 4,  
re-enacted

- (4) When the Corporation has advanced money as provided in subsection 3, it shall, upon the registration of a certificate under subsection 5, have a lien upon the non-residential property in respect of which the advance was made for the amount of the advance, together with interest thereon at a rate to be fixed from time to time by the council, and the amount of the advance with the interest thereon is repayable to the Corporation by the owner of the non-residential property in equal consecutive annual payments, which shall be collected over a period of years to be determined by the council and which period shall not exceed ten years but need not be the same in the case of each advance, and, if default is made with respect to any of the payments hereinbefore provided, the whole of the balance of the advance, together with accrued interest thereon at the time of default, becomes due and payable forthwith, and the amount of such balance, including interest shall be deemed to be taxes and shall be added to the collector's roll of taxes for the current year and shall be collected in the same manner as municipal taxes.

Lien for  
advances  
and  
repayment

(2) Subsection 6 of the said section 4 is repealed and the following substituted therefor:

1966, c. 179,  
s. 4, subs. 6,  
re-enacted

Performance  
by  
Corporation  
and collec-  
tion of cost

- (6) If any owner of non-residential property fails within such time as may be specified by the Corporation or the tribunal appointed under subsection 2 to make the non-residential property conform to the standard required by a by-law passed under this section or fails to demolish all or any part of any building, structure or erection forming part of the non-residential property as directed by the Corporation or the tribunal, the Corporation or the tribunal, in addition to all other remedies, has the right to make the non-residential property conform to the standard or to demolish or cause to be demolished all or any part of any building, structure or erection forming part of the non-residential property, and to do any work on adjoining property necessitated by the work involved in making the non-residential property conform to the standard or by the demolition, and, for such purposes, with the servants and agents of the Corporation, from time to time to enter upon the lands of the owner and upon adjoining property, and neither the Corporation nor the tribunal is liable to compensate the owner or any person by reason of anything done by or on behalf of the Corporation or the tribunal under this subsection, and, for any amount expended by or on behalf of the Corporation or the tribunal in this subsection, the Corporation is entitled to a lien upon the non-residential property in respect of which the amount was expended, exercisable in the same manner as a lien for an advance under subsection 3, and, subject to the appeal provided by subsection 9, the certificate of the clerk of the Corporation as to the amount expended is final, and such amount shall be deemed to be taxes and added to the collector's roll of taxes for the current year and shall be collected as taxes.

1966, c. 179,  
s. 4, subs. 7,  
re-enacted

- (3) Subsection 7 of the said section 4 is repealed and the following substituted therefor:

Enforce-  
ment

- (7) A by-law passed under this section shall be enforceable in the same manner as a by-law passed under *The Municipal Act*, provided that the fine prescribed in section 482 of that Act may be increased to an amount not exceeding \$1,000.

R.S.O. 1960,  
c. 249

1966, c. 179,  
s. 4,  
amended

- (4) The said section 4 is amended by adding thereto the following subsections:

Authority to  
issue  
certificate

- (16) A by-law passed under the authority of this section may authorize a Standards Officer named in the

by-law

by-law to issue a certificate as to what proceedings, if any, are being taken as to the date of the certificate and the amount of money advanced pursuant to the provisions of this section or the provisions of any by-law to provide a minimum standard for non-residential buildings, and may authorize the collection of a fee for the issue of any such certificate.

- (17) Where a Standards Officer is unable to locate or serve the owner or any other person on whom he desires to serve a notice and order or where it is ascertained that the owner or any such person is not within Ontario, the Standards Officer may send, or cause to be sent, by prepaid registered mail, a copy of such notice and order addressed to such owner or other persons at his or their last known address, and he may place a placard containing the terms of the notice and order in a conspicuous place on the non-residential building, and the sending of the copy of the notice and order and the placing of the placard shall be deemed to be sufficient service of the notice and order on the owner or other persons.
- Service of notice, placing of placard, etc

**3.**—(1) In this section, “health studio” means any building, room, place or establishment where physical massage of the person, physical exercise, a steam bath or hot box, including turkish and sauna bath, magnetic bath, whirlpool bath, exercising or reducing machines or equipment or any other similar facilities commonly rendered by such establishments for health purposes are provided, but does not include a hospital, nursing home, medical doctor’s office or clinic, school premises where the school is in receipt of a grant from the Province of Ontario, Young Men’s-Young Women’s Christian Association premises, church premises, and the lands and buildings of the Central Canada Exhibition Association and of the Corporation.

Interpretation

(2) The council of the Corporation may pass by-laws for licensing, regulating and governing the owners and operators of health studios, for limiting the number of such licences and for revoking them and for refusing any applicant for a licence where the applicant is not of good character.

Authority to pass by-laws

**4.** This Act comes into force on the day it receives Royal Assent.

Commencement

**5.** This Act may be cited as *The City of Ottawa Act, 1970*. Short title



## CHAPTER 161

**An Act respecting the City of Owen Sound**

*Assented to May 4th, 1970*  
*Session Prorogued November 13th, 1970*

**W**HEREAS The Corporation of the City of Owen Sound <sup>Preamble</sup>  
by its petition has prayed for special legislation so  
that the Civic Auditorium will be considered a “community  
centre” within the meaning of *The Community Centres Act*;  
and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** Section 3 of *The City of Owen Sound Act, 1938*, as <sup>1938, c. 62,</sup>  
amended by section 1 of *The City of Owen Sound Act, 1949*, <sup>s. 3,</sup>  
is repealed and the following substituted therefor: <sup>re-enacted</sup>

**3.** The Civic Auditorium shall be considered a com- <sup>Community</sup>  
munity centre for the purposes of *The Community* <sup>Centre under</sup>  
*Centres Act* and the provisions of that Act shall apply <sup>R.S.O. 1960,</sup>  
to the Civic Auditorium. <sup>c. 60</sup>

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>

**3.** This Act may be cited as *The City of Owen Sound Act*, <sup>Short title</sup>  
1970.



## CHAPTER 162

## An Act respecting the City of Peterborough

*Assented to May 4th, 1970*  
*Session Prorogued November 13th, 1970*

**W**HEREAS The Corporation of the City of Peterborough <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding any general or special Act, the council of The Corporation of the City of Peterborough may by by-law authorize and direct the treasurer of the Corporation to allow a credit equivalent to that portion of the real property taxes imposed by the Corporation for school purposes on payment by any person of the remaining portion of the taxes imposed in respect of any residential real property owned and occupied by such person, or owned by such person and occupied by his or her spouse or by both, as his, her or their personal residence, where such person, or the spouse of such person, or both, has attained the age of seventy years and is receiving benefits under the *Old Age Security Act* (Canada) <sup>R.S.C. 1952, c. 200</sup> provided however, that no such credit, <sup>Tax credit to old age pensioners</sup>

- (a) shall exceed the sum of \$100 in any year;
- (b) shall be allowed to any person or to the spouse of such person in respect of more residential real property than one single family dwelling unit in any year;
- (c) shall be allowed to any person who has not made application therefor on or before the last day of February in the year in which the taxes in respect of which such application is made become due and payable;
- (d) shall be allowed to any person unless such person, or the spouse of such person, or both, has been continuously assessed as the owner and occupant of

residential

residential real property in the City of Peterborough for at least ten years immediately preceding the date of the application; or

- (e) shall be allowed to any person until such person and his or her spouse, if any, have passed whatever means test may be provided for in the said by-law.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The City of Peterborough Act, 1970*.

## CHAPTER 163

## An Act respecting the County of Peterborough

*Assented to May 4th, 1970  
Session Prorogued November 13th, 1970*

**W**HEREAS The Corporation of the County of Peter- Preamble  
borough by its petition has prayed for special legislation  
in respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

1. Notwithstanding section 56 of *The Assessment Act*, the Extension  
of time to  
take  
assessment  
and return  
roll  
R.S.O. 1960,  
c. 23  
time within which the assessment roll in the townships of  
Burleigh and Anstruther in the County of Peterborough  
was required to be taken and returned to the clerk in the  
year 1969 under the said section 56 is extended to and in-  
cluding the 31st day of January, 1970 and the court of  
revision shall hear and dispose of all appeals and shall certify  
the assessment roll not later than sixty days after this Act  
comes into force.

2. The assessment roll referred to in section 1, when Validity  
and effect  
of roll  
returned and revised by the court of revision, shall have the  
same validity and effect as if such assessment roll had been  
returned and revised in the year 1969 within the time pre-  
scribed by section 56 of *The Assessment Act*.

3. Notwithstanding anything in this Act, the rights of Rights of  
appeal  
preserved  
appeal of all persons under *The Assessment Act* and the times  
for appealing to the court of revision, the county court  
judge, the Ontario Municipal Board and every court to  
which an appeal may be made in respect of the assessment roll  
referred to in section 1 are preserved and continued to such  
extent as may be necessary to give effect to this Act.

4. This Act comes into force on the day it receives Royal Commence-  
ment  
Assent.

5. This Act may be cited as *The County of Peterborough* Short title  
*Act, 1970*.



## CHAPTER 164

## An Act respecting the City of Sault Ste. Marie

*Assented to May 4th, 1970**Session Prorogued November 13th, 1970*

**W**HEREAS The Corporation of the City of Sault Ste. Marie, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding paragraph 114 of subsection 1 of section 379 of *The Municipal Act*, the council of the Corporation may pass by-laws for regulating or prohibiting the making or causing of noises or sounds anywhere within the City of Sault Ste. Marie that disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity, or that are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public, and such by-law may make different regulations or prohibitions for different areas of the City of Sault Ste. Marie and may provide in exceptional cases that such noises may, with the permission of the Mayor, be permitted for limited periods.

Anti-noise  
by-laws  
R.S.O. 1960,  
c. 249

(2) Without limiting the generality of subsection 1 and subject to the approval of the Minister of Transport, the council of the Corporation may pass by-laws prohibiting the driving or operating of motor vehicles in the City of Sault Ste. Marie that create undue noise.

Motor  
vehicles

2.—(1) By a by-law passed with the approval of the Ontario Municipal Board under paragraph 67 of section 377 of *The Municipal Act*, which provides that the capital cost or any part thereof, the annual rental payable under any lease or any operating deficit in the previous year shall be levied against specified parcels of land within a defined area, or by a subsequent by-law or by-laws, the council of the Corporation

Benefit  
assessment,  
parking areas  
reserve fund

may, in a manner that in its opinion is equitable, levy against lands in the same defined area one or more sums of money to be deposited in a reserve fund.

Surplus  
moneys

(2) All surplus moneys raised under any such by-law and on hand at the end of each year shall be deposited in a reserve fund.

Application  
of reserve  
fund

(3) All moneys in a reserve fund created hereunder shall be applied,

(a) only within the defined area from which they were levied;

(b) for the acquisition, establishment, laying out or improvement of additional parking lots or facilities; and

(c) for such other purposes as the Department of Municipal Affairs may approve.

Application  
of R.S.O.  
1960,  
c. 249

(4) Except in so far as they are inconsistent herewith, the provisions of section 298 of *The Municipal Act* apply to any such reserve fund.

By-law  
may be  
amended or  
repealed

(5) Any by-law passed hereunder may amend or repeal any by-law heretofore or hereafter enacted under this section or under paragraph 67 of section 377 of *The Municipal Act* or any other general or special Act.

Approval  
of O.M.B.

(6) No by-law passed under this section comes into force without the approval of the Ontario Municipal Board.

By-law to  
control  
rodents  
authorized

**3.—**(1) The council of the Corporation may pass by-laws for requiring the owners and occupants of lands, buildings and structures to maintain such lands, buildings and structures in a rodent-free condition, and for that purpose the by-law may provide,

(a) for regulating,

(i) the keeping or storing of food or fodder,

(ii) the keeping of fowl or animals, and

(iii) the keeping and disposal of refuse, wastes and other things,

that may attract rodents;

(b) for authorizing the local board of health to order the owners or occupants of any premises,

(i)

- (i) to clean or disinfect the same,
- (ii) to keep food, fodder or refuse in rodent-free containers,
- (iii) to keep fowl or animals only in rodent-free structures, and
- (iv) to do such other things as may be considered necessary by the board,

to avoid the spread of disease or damage to property by rodents; and

- (c) for authorizing the local board of health to prohibit the use of premises that are infested with rodents until the owner or occupant of such premises complies with an order of the board for disinfestation of such premises.

(2) The medical officer of health, any member of the local board of health and any inspector or other municipal employee acting under the instructions of the medical officer of health may enter, inspect and examine, as often as may be necessary, any lands, buildings or structures within the municipality for the purpose of enforcing the provisions of a by-law passed under this section and for the purpose of ascertaining whether the owner or occupant has complied with any order made pursuant to such by-law, and any person in charge of such premises for the time being shall render such aid to the medical officer of health or other person authorized by this section as may be necessary. Inspection  
of  
premises

(3) The provisions of Part XXI of *The Municipal Act* relating to the power to impose penalties and enforce by-laws apply *mutatis mutandis* to any by-law, and to any order made thereunder, passed under this section. Power to  
enforce  
by-laws  
R.S.O. 1960,  
c. 249

4. The council of the Corporation may pass by-laws prohibiting the sale of fruits, candy, peanuts, ice cream, ice cream cones, frozen or iced milk, frozen or iced desserts, potato chips, French fried potatoes or other refreshments or confections from a basket or wagon, cart or other vehicle upon any highway, or part of it, or in any public park or other public place within the City of Sault Ste. Marie or any defined area or areas thereof. Prohibition  
of street  
vending of  
refreshments

5.—(1) In this section,

Interpre-  
tation

- (a) “non-residential property” means a building or structure or part of a building or structure not occupied and not capable of being occupied in whole

or in part for the purposes of human habitation, and includes the land and premises appurtenant thereto and all outbuildings, fences and erections thereon;

- (b) "owner" includes the person for the time being managing or receiving the rent of or paying the municipal taxes on the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let.

By-laws  
for  
standard of  
fitness of  
non-  
residential  
property

(2) The council of the Corporation may, with the approval of the Ontario Municipal Board, pass by-laws,

- (a) fixing standard of fitness to which all non-residential property shall conform;
- (b) requiring the owners of non-residential property that does not conform to the standard to make it so conform;
- (c) requiring the owners of buildings, structures or erections that form part of non-residential property and that do not conform to the standard to demolish all or any part thereof;
- (d) prohibiting the use of non-residential property that does not conform to the standard;
- (e) authorizing the placarding in such manner as the by-law may specify of non-residential property that does not conform to the standard, and prohibiting the pulling down or defacing of any such placard;
- (f) governing and regulating persons in the use and occupancy of non-residential property; and
- (g) providing for the appointment of a tribunal of inspectors, or both a tribunal and inspectors, for the administration and enforcement of the by-laws.

Advances to  
owners and  
municipal  
debentures  
authorized

(3) Where the owner of any non-residential property is unable to pay the expense of making it conform to the standard required by the by-laws, the Corporation may advance money to or for the benefit of the owner to the extent necessary to pay the expense.

Lien for  
advances  
and  
repayment

(4) When the Corporation has advanced money as provided in subsection 3, it shall, upon the registration of a certificate under subsection 5, have a lien upon the non-residential

property in respect of which the advance was made for the amount of the advance, together with interest thereon at a rate to be fixed from time to time by the council but which shall not exceed 6 per cent per annum, and the amount of the advance with the interest thereon is repayable to the Corporation by the owner of the non-residential property in equal consecutive annual payments, which shall be collected over a period of years to be determined by the council and which period shall not exceed ten years but need not be the same in the case of each advance, and, if default is made with respect to any of the payments hereinbefore provided, the whole of the balance of the advance, together with accrued interest thereon at the time of default, becomes due and payable forthwith, and the amount of such balance, including interest, shall be added to the collector's roll of taxes for the current year and shall be collected in the same manner as municipal taxes.

(5) A certificate of the clerk of the Corporation setting out the amount advanced to or for the benefit of any owner under subsection 3, the rate of interest thereon and a description of the property in respect of which the amount was advanced, sufficient for registration, together with an affidavit verifying the signature of the clerk of the Corporation, shall be registered in the proper registry office or land titles office and, upon repayment in full to the Corporation of the amount advanced and the interest thereon, a certificate of the clerk of the Corporation showing the repayment shall be similarly registered, and the property is thereupon freed from liability in respect of the advance and interest thereon and from the lien arising therefrom.

Registration  
of certificate  
of advance  
and  
repayment

(6) If any owner of non-residential property fails within such time as may be specified by the Corporation or the tribunal appointed under subsection 2 to make the non-residential property conform to the standard required by a by-law passed under this section or fails to demolish all or any part of any building, structure or erection forming part of the non-residential property as directed by the Corporation or the tribunal, the Corporation or the tribunal, in addition to all other remedies, has the right to make the non-residential property conform to the standard or to demolish or cause to be demolished all or any part of any building, structure or erection forming part of the non-residential property, and to do any work on adjoining property necessitated by the work involved in making the non-residential property conform to the standard or by the demolition, and, for such purposes, with the servants and agents of the Corporation, from time to time to enter upon the lands of the owner and upon adjoining property, and neither the Corporation nor the tribunal is

Performance  
by Corpora-  
tion and  
collection of  
cost

liable to compensate the owner or any person by reason of anything done by or on behalf of the Corporation or the tribunal under this subsection, and, for any amount expended by or on behalf of the Corporation or the tribunal under this subsection, the Corporation is entitled to a lien upon the non-residential property in respect of which the amount was expended, exercisable in the same manner as a lien for an advance under subsection 3, and, subject to the appeal provided by subsection 9, the certificate of the clerk of the Corporation as to the amount expended is final, and such amount shall be added to the collector's roll of taxes for the current year and shall be collected as taxes.

Enforcement  
of by-laws  
R.S.O. 1960,  
c. 249

(7) A by-law passed under this section is enforceable in the same manner as a by-law passed under *The Municipal Act*.

Notice to  
mortgagees

(8) Before proceeding under subsection 3 or 6, the Corporation or the tribunal appointed under subsection 2 shall notify any mortgagee appearing on the registered title, by registered letter, specifying wherein the non-residential property is defective, and, if all defects are not remedied within one month from such notification, subsections 3 and 6 apply.

Appeal to  
O.M.B.

(9) Any person affected may appeal to the Ontario Municipal Board from a decision made under subsection 6 by the Corporation or by the tribunal appointed under subsection 2, and the decision of the Board is final.

Powers of  
inspectors

(10) When a by-law under this section is in effect, any inspector appointed under subsection 2 and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any non-residential property to which the by-law applies.

Cost of local  
improve-  
ments  
privately  
constructed  
R.S.O. 1960,  
c. 223

**6.**—(1) Notwithstanding any special or general Act, where a person has heretofore been required to pay the entire cost of any work, as defined in *The Local Improvement Act*, pursuant to the provisions of a by-law of or agreement with any predecessor of the Corporation, or a by-law, resolution or requirement of or agreement with any predecessor of The Public Utilities Commission of the City of Sault Ste. Marie, and the work is in a highway upon which lots abut directly that are not owned by the person who has paid the entire costs thereof, the Corporation and the Public Utilities Commission shall not be required to permit the owners of such lots to connect to or use such works until the cost has been paid by such owners according to the extent of their respective frontages thereon, determined by an equal charge per foot of such frontage, and the actual cost paid and interest may be included in the cost of the work.

(2) The Corporation shall not be required to issue a building permit for such a lot or lots until such cost has been paid. Withholding building permit

(3) The Corporation or the Public Utilities Commission, when they receive payment of any such frontage charge, shall repay the same to the person who in the first instance paid for the entire cost of the work. Repayment of charge

(4) The Corporation and the Public Utilities Commission shall not incur any liability by reason only that it or they did not collect a frontage charge as provided hereunder, whenever, in the opinion of the council of the Corporation, it is inequitable so to do. No municipal liability for waiving frontage rate

(5) When it is intended to collect a frontage rate as herein provided, the clerk of the Corporation shall register in the proper registry or land titles office a certificate setting out the amount to be collected, the rate of interest thereon and a description of the property in respect of which the rate is payable, sufficient for registration. Registration of certificate of frontage rate

(6) Upon payment in full of the frontage rate and interest thereon to the Corporation, the clerk shall similarly register a certificate to that effect and the property is thereupon freed from liability in respect of the frontage rate and interest. Registration of discharge

7. Such municipal officer of the Corporation as is assigned the responsibility of administering or enforcing any regulatory or licensing by-law of the Corporation, including the building and zoning by-laws of the Corporation and any by-law to provide for the safety of buildings or structures, may, at all reasonable times and upon producing proper identification, enter and inspect, either by himself or accompanied by one assistant, any land, building, structure or premises for the purpose of carrying out any of his duties under such by-law or by-laws. Authority to enter and inspect

8. The acquisition, assembly, holding, clearing, grading, subdivision, re-subdivision, development, and sale of land, whether alone or by agreement with others, to be used for residential, commercial, industrial or other purposes shall be deemed to be a purpose of the Corporation within the meaning of section 333 of *The Municipal Act*. Land assembly

R.S.O. 1960,  
c. 249

9.—(1) Where farm lands containing not less than five acres and used exclusively for farm purposes and having a greater frontage than 200 feet abutting directly on the work have been heretofore or are hereafter specially assessed with a special rate per foot frontage imposed under *The Local Improvement Act*, *The Municipal Act*, or *The Ontario Water Resources Commission Act* in respect of the owner's portion of By-laws postponing a special rate re farm lands in excess of 200 feet

R.S.O. 1960,  
cc. 223, 249,  
281

the

the cost of construction of watermains, storm sewers, sanitary sewers, sidewalks or curbs, the council of the Corporation, upon the application of the owner of such lands, may by by-law or by-laws postpone the payment of the amount of the special assessment referable to such part of the assessed frontage of the said lands in excess of 200 feet as the by-law may provide until such time as the said lands cease to be used exclusively for farm purposes.

Sum equal  
to amount  
of  
postponed  
assessments  
to be levied

(2) In each year during which payment of special assessments has been postponed in accordance with this section, there shall be levied and raised for the payment of part of the principal and interest on any debentures issued to pay for the cost of the work specially assessed, a sum equal to the aggregate of the amounts of the special assessments for which payment has been postponed and such sum shall be levied and raised in the manner provided in *The Municipal Act* upon all rateable property in the urban service area of the City of Sault Ste. Marie as established by the Ontario Municipal Board by its order dated the 17th day of May, 1965 bearing file No. N4804-63 (part 2) and as altered by by-laws of the Corporation approved by the Ontario Municipal Board.

When  
postponed  
amounts  
become due

(3) When the lands in the opinion of the council of the Corporation cease to be used exclusively for farm purposes, the amount of any special assessment for which payment has been postponed together with simple interest thereon at the rate provided in any debentures issued to pay for the cost of the work specially assessed, shall become due and payable forthwith upon demand by the Corporation and all sums so received shall, during the currency of any such debentures, be applied on account of the amount being levied for annual instalments of principal and interest on such debentures against the rateable property in the urban service area and after such debentures have been retired shall be applied in reduction of the general urban service area rate.

Notice to  
owner

(4) The clerk of the Corporation shall forthwith give notice by registered mail to each assessed owner of land affected by a by-law passed under subsection 1, and any demand under subsection 3 shall be made by registered mail addressed to the assessed owner.

Treasurer  
to keep  
record

(5) The treasurer of the Corporation shall keep a record of all special assessments in respect of which a by-law has been passed under subsection 1 and of the amounts of such special assessments which have been paid and for which payment has been postponed, respectively, in each year.

(6) Every by-law passed under subsection 1 shall be registered against the land affected in the proper registry or land titles office. Registration of by-law

(7) Where a by-law postponing the payment of part of a special assessment has been registered under subsection 6 and the whole of such special assessment has been paid to the Corporation in respect of a particular parcel of land affected by the by-law, the Corporation shall register a certificate of such payment against such parcel of land in the proper registry or land titles office. Registration of certificate of payment

(8) Any person complaining that a demand under subsection 3 should not have been made may appeal to the court of revision constituted under *The Local Improvement Act* by giving notice of his appeal to the clerk of the Corporation within fourteen days after the mailing of such demand and on any such appeal the court of revision shall have regard to the provisions of this section. Notice of appeal  
R.S.O. 1960, c. 223

(9) The provisions of *The Local Improvement Act* as to appeals to the court of revision, shall, so far as applicable, regulate and govern the procedure to be followed on appeals under this section. Procedure on appeal

(10) The court of revision, in dealing with appeals under this section, has full power to decide the amount, if any, of the frontage in excess of 200 feet in respect of which payment of the special assessment should be postponed and whether or not lands have ceased to be used exclusively for farm purposes and the council of the Corporation shall take such action, including, where necessary, the passing of any by-law or amending by-law, as may be required to give effect to such decision. Power vested in court of revision and judge

**10.** Part XXI of *The Municipal Act* applies to any by-laws passed under the authority of sections 1, 2, 3, 4, 5 and 6 of this Act. Application of R.S.O. 1960, c. 249

**11.** This Act comes into force on the day it receives Royal Assent. Commencement

**12.** This Act may be cited as *The City of Sault Ste. Marie Act, 1970*. Short Title



## CHAPTER 165

## An Act respecting Sidney Goldstone Limited

*Assented to May 4th, 1970*  
*Session Prorogued November 13th, 1970*

**W**HEREAS Sidney Goldstone, Samuel Redhill and Preamble  
 Miriam Redhill, by their petition have represented that  
 Sidney Goldstone Limited, herein called the Corporation,  
 was incorporated by letters patent dated the 6th day of May,  
 1960; that the Provincial Secretary by order made under the  
 authority of subsection 2 of section 326 of *The Corporations* R.S.O. 1960,  
 c. 71  
*Act*, cancelled the letters patent of the Corporation and  
 declared it to be dissolved on the 27th day of May, 1965;  
 that the petitioners were all the directors and the holders of  
 all the common shares of the Corporation at the time of the  
 said dissolution; that the notice of default in filing annual  
 returns required by the said subsection 2 of section 326 of  
*The Corporations Act*, although sent to each of the petitioners  
 as directors was not received by any of them and none of them  
 was aware of the dissolution of the Corporation until more  
 than one year after the date thereof; that the Corporation  
 at the time of its dissolution was carrying on active commer-  
 cial business authorized by its letters patent; and whereas  
 the petitioners have prayed for special legislation reviving  
 the Corporation; and whereas it is expedient to grant the  
 prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

**1.** Sidney Goldstone Limited incorporated by letters patent Sidney  
 Goldstone  
 Limited  
 revived  
 dated the 6th day of May, 1960, is hereby revived and is,  
 subject to any rights acquired by any person after its dissolu-  
 tion, hereby restored to its legal position as a company incor-  
 porated by letters patent, including all its property, rights,  
 privileges and franchises and subject to all its liabilities,  
 contracts, disabilities and debts as at the date of its dissolution  
 in the same manner and to the same extent as if it had not  
 been dissolved.

**2.** This Act comes into force on the day it receives Royal Commence-  
 ment  
 Assent.

Short title

**3.** This Act may be cited as *The Sidney Goldstone Limited Act, 1970*.

## CHAPTER 166

**An Act respecting  
Springdale Christian Reformed Church**

*Assented to May 4th, 1970  
Session Prorogued November 13th, 1970*

**W**HEREAS Reverend Lubbert Van Dellen, John Rupke, Sid Weening, Arnold Winter, Arthur Markus, Leonard Geuze, James Verkaik, Henry Horlings and John de Peuter by their petition have represented that Springdale Christian Reformed Church, herein called the Corporation, was incorporated by letters patent dated the 1st day of April, 1954 as a corporation without share capital; that the Provincial Secretary, by order dated the 18th day of March, 1965 and made under the authority of subsection 2 of section 326 of *The Corporations Act*, cancelled the letters patent of the Corporation and declared it to be dissolved on the 22nd day of April, 1965; that the notice of default in filing annual returns required by the said subsection 2 of section 326 of *The Corporations Act* was sent to each of the persons of record as officers of the Corporation on the files of the Department of the Provincial Secretary, of whom one, namely Arnold Winter, is a petitioner; that the said notice was duly received by the Corporation and by Arnold Winter and he and the other petitioners were advised and verily believed that the notice had been complied with and annual returns had been filed by the Corporation's auditor and neither Arnold Winter nor the other petitioners were aware of the dissolution of the Corporation until more than one year after the date thereof; that the Corporation at the time of its dissolution was actually holding and conducting religious services which still continue, and was and is the registered owner of real estate in the Township of West Gwillimbury in the County of Simcoe, on which is situate a church building and furnishings where the petitioners and others worship regularly; and whereas the petitioners have prayed for special legislation reviving the Corporation; and whereas it is expedient to grant the prayer of the petition;

Preamble  
R.S.O. 1960,  
c. 71

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Springdale  
Christian  
Reformed  
Church  
revived

**1.** Springdale Christian Reformed Church incorporated by letters patent dated the 1st day of April, 1954 is hereby revived, and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation without share capital incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Springdale Christian Reformed Church Act, 1970*.

## CHAPTER 167

## An Act respecting The St. Catharines General Hospital

*Assented to May 4th, 1970  
Session Prorogued November 13th, 1970*

**W**HEREAS The St. Catharines General Hospital by its <sup>Preamble</sup> petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of subsection 2 of section 12 of *The St. Catharines General Hospital Act, 1924*, as enacted by section 1 of *The St. Catharines General Hospital Act, 1955* and amended by section 6 of *The St. Catharines General Hospital Act, 1962-63*, is further amended by striking out "1953" in the seventh line and by striking out "provided that the Board may invest up to 35 per cent of the aggregate market value of its trust funds at the time of investment in common shares" in the amendment of 1962-63, and inserting in lieu thereof "provided that the Board may invest up to 50 per cent of the aggregate book value of its trust funds at the time of investment in common shares", so that the clause shall read as follows:

- (a) may authorize and direct the investment of all its funds, which are to be invested by the Board or by any trust company or other trustee, in any investments in which joint stock insurance companies and cash-mutual insurance corporations are authorized to invest under *The Corporations Act*,<sup>R.S.O. 1960, c. 71</sup> provided that the Board may invest up to 50 per cent of the aggregate book value of its trust funds at the time of investment in common shares.

**2.** This Act comes into force on the day it receives Royal Assent.<sup>Commence-  
ment</sup>

**3.** This Act may be cited as *The St. Catharines General Hospital Act, 1970*.<sup>Short title</sup>



## CHAPTER 168

## An Act respecting the City of Toronto

*Assented to May 4th, 1970*  
*Session Prorogued November 13th, 1970*

**W**HEREAS The Corporation of the City of Toronto, <sup>Preamble</sup> herein called the Corporation, by its petition has prayed for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of subsection 6 of section 6 of *The City of Toronto Act, 1936*, as enacted by subsection 3 of section 6 of *The City of Toronto Act, 1967*, is repealed and the following substituted therefor: <sup>1936, c. 84, s. 6, subs. 6, (1967, c. 131, s. 6, subs. 3), cl. c, re-enacted</sup>

- (c) shall have a lien for any amount expended by or on behalf of the corporation under the authority of this subsection together with interest thereon at the rate to be fixed in the manner provided in subsection 4 upon the dwelling in respect of which such amount was expended, and the certificate of the clerk of the municipality as to such amount shall be final, and such amount shall be deemed to be taxes and may be added to the collector's roll to be collected in one year or to the proper collectors' rolls to be collected by instalments over a period of not more than five years and the amount or each instalment may be collected in the same manner as real property taxes.

2. Section 1 of *The City of Toronto Act, 1961-62*, as amended <sup>1961-62, c. 171, s. 1,</sup> by section 3 of *The City of Toronto Act, 1968*, is amended by adding thereto the following subsection:

- (4b) Notwithstanding *The Assessment Act, 1968-69*, where reference is made in this Act to the court of revision of the City of Toronto and to the court of revision <sup>References to court of revision 1968-69, c. 6</sup>

R.S.O. 1960,  
c. 223. such reference shall be deemed to be to the court of  
revision constituted under *The Local Improvement  
Act*.

Commence-  
ment **3.**—(1) This Act, except section 2, comes into force on the  
day it receives Royal Assent.

Idem (2) Section 2 shall be deemed to have come into force on the  
1st day of January, 1970.

Short title **4.** This Act may be cited as *The City of Toronto Act, 1970*.

## CHAPTER 169

# An Act respecting Toronto East General and Orthopedic Hospital

*Assented to May 4th, 1970  
Session Prorogued November 13th, 1970*

**W**HEREAS the Toronto East General and Orthopedic Hospital, herein called the Hospital, by its petition has prayed for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) All property and all interests in property, both real and personal, including but not limited to the lands, assets, buildings, fixtures, and equipment of the Toronto East General and Orthopedic Hospital are transferred to and vested in The Toronto East General And Orthopaedic Hospital Inc., a corporation without share capital incorporated on the 1st day of January, 1970 by letters patent under *The Corporations Act*. Vesting and transfer of title  
R.S.O. 1960, c. 71

(2) For the purposes of *The Registry Act*, *The Land Titles Act*, *The Bills of Sale and Chattel Mortgages Act* or any other Act affecting the title to property, it shall be sufficient to cite this Act as effecting the vesting in and the conveyance, transfer or transmission of title from the Hospital to The Toronto East General And Orthopaedic Hospital Inc. of real or personal property or of an interest in real or personal property. Idem  
R.S.O. 1960, cc. 348, 204, 34

(3) All liabilities, debts and obligations of the Hospital attach to The Toronto East General And Orthopaedic Hospital Inc. and may be enforced against it. Liabilities

**2.** The Toronto East General And Orthopaedic Hospital Inc. shall be bound by and enjoy all rights and privileges under any contract existing before this Act comes into force that has the Hospital as a contracting party to the same extent as though named therein either as a contracting party or a party to benefit thereunder. Contracts

## Creditors

**3.** All rights of creditors of the Hospital are unimpaired and may be enforced against The Toronto East General And Orthopaedic Hospital Inc.

Charitable  
gifts

**4.**—(1) The Toronto East General And Orthopaedic Hospital Inc. shall be entitled to all donations, endorsements, gifts, grants, devises and bequests of real or personal property made to the Hospital, or made in trust for the Hospital, whether *inter vivos* or testamentary, and whether made before or after this Act comes into force, to the same extent as if made to or for The Toronto East General And Orthopaedic Hospital Inc.

Substitution  
of name

(2) The Toronto East General And Orthopaedic Hospital Inc. shall be substituted for the Hospital where the Hospital is named or described in a will, deed, or other legal instrument made before or after this Act comes into force.

## Repeal

1931, c. 141

1933, c. 104

1954, c. 135

**5.** An Act to incorporate the Toronto East General Hospital, Statutes of Ontario, 1926, Chapter 116, *The Toronto East General Hospital Act, 1931*, *The Toronto East General and Orthopedic Hospital Act, 1933*, and *The Toronto East General and Orthopedic Hospital Act, 1954*, are repealed.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

## Short title

**7.** This Act may be cited as *The Toronto East General and Orthopedic Hospital Act, 1970*.

## CHAPTER 170

**An Act respecting  
Wentworth Radio & Auto Supplies Limited**

*Assented to May 4th, 1970  
Session Prorogued November 13th, 1970*

**W**HEREAS Robert Frederick Smith by his petition has Preamble  
represented that Wentworth Radio & Auto Supplies  
Limited, herein called the Corporation, was incorporated by  
letters patent dated the 10th day of May, 1945; that the  
Provincial Secretary, by order dated the 18th day of August,  
1966, and made under the authority of subsection 2 of section  
326 of *The Corporations Act*, cancelled the letters patent of the Corporation and declared it to be dissolved on the 29th day of  
September, 1966; that the petitioner was the auditor of the Corporation at the time of its dissolution; that the notice of  
default in filing annual returns required by the said subsection 2 of section 326 of *The Corporations Act* was sent to each  
of the persons of record on the files of the Department of the Provincial Secretary; that the said notice was not received  
by Robert Frederick Smith and he was not aware of the dissolution of the Corporation until more than one year after  
the date thereof; that the Corporation at the time of its dissolution was actively carrying on the business authorized  
by its letters patent; and whereas the petitioner has prayed for special legislation reviving the Corporation; and whereas  
it is expedient to grant the prayer of the petition; R.S.O. 1960,  
c. 71

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Wentworth Radio & Auto Supplies Limited incorporated Wentworth  
Radio &  
Auto  
Supplies  
Limited  
revived  
by letters patent dated the 10th day of May, 1945 is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Wentworth Radio & Auto Supplies Limited Act, 1970*.

Third Session, Twenty-Eighth Legislature  
19 Elizabeth II, 1970

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- CHILD WELFARE ACT: 1965, c. 14 (1st January, 1966).
- CHILD WELFARE AMENDMENT ACT: 1966, c. 17, ss. 1, 2 and 5 (21st October, 1966); s. 3 (3) (30th January, 1967); s. 3 (1, 2) (1st April, 1967).
- CHILDREN'S INSTITUTIONS ACT: 1962-63, c. 14 (1st September, 1963).
- CHILDREN'S INSTITUTIONS AMENDMENT ACT: 1966, c. 18 (10th November, 1967).
- CHILDREN'S MENTAL HEALTH CENTRES ACT: 1968-69, c. 10 (1st April, 1971).
- COLLECTION AGENCIES ACT: 1968-69, c. 11 (14th January, 1971).
- CONDITIONAL SALES AMENDMENT ACT: 1962-63, c. 18 (1st April, 1964).
- CONDITIONAL SALES AMENDMENT AND REPEAL ACT: 1967, c. 11, s. 3 (1st January, 1971).

- CONDOMINIUM ACT: 1967, c. 12 (1st September, 1967).
- CONSERVATION AUTHORITIES AMENDMENT ACT: 1966, c. 22 (1st June, 1966).
- CONSTRUCTION HOISTS ACT: 1960-61, c. 11 (19th November, 1962).
- CONSTRUCTION HOISTS AMENDMENT ACT: 1961-62, c. 17 (19th November, 1962).
- CONSTRUCTION SAFETY ACT: 1961-62, c. 18 (1st August, 1962).
- CONSUMER PROTECTION ACT: 1966, c. 23, ss. 1 and 33 (1st May, 1967); ss. 2 to 32, 34 and 35 (31st July, 1967).
- CONSUMER PROTECTION AMENDMENT ACT: 1967, c. 13, ss. 1 and 6 (1st May, 1967); ss. 2, 3, 4, 5, 7 and 8 (31st July, 1967); 1970, c. 80 (3rd December, 1970).
- CONSUMER PROTECTION BUREAU ACT: 1966, c. 24 (3rd April, 1967).
- CORPORATIONS AMENDMENT ACT: 1960-61, c. 13, s. 2 (13th May, 1961); 1966, c. 28 (except s. 2) (1st May, 1967); 1970, c. 30 (1st January, 1971).
- CORPORATIONS INFORMATION AMENDMENT ACT: 1966, c. 29 (1st May, 1967).
- CORPORATIONS TAX AMENDMENT ACT: 1965, c. 22, s. 3 (1st January, 1970); 1967, c. 15, ss. 2 and 8 (15th April, 1967); 1968, c. 20, ss. 1, 3 (2, 3, 4), 5 to 10, 11 (2, 3, 4, 5), 12, 13, 14 (2, 3, 4), 16 to 19, 20 (2, 3), 21 to 25, 26 (1, 3, 4, 5, 6), 27, 28 (1), 29 (1), 30 to 36, 38, 39, 40 (1, 2), 41 to 57 (1st August, 1968).
- COUNTY COURTS AMENDMENT ACT: 1961-62, c. 24, (except ss. 5 and 8) (14th September, 1962); ss. 5 and 8 (1st July, 1962).
- COUNTY JUDGES AMENDMENT ACT: 1961-62, c. 25, ss. 1, 3, 4, 5 (1), 6, 7, 8 (1) and 9 (14th September, 1962).
- CROP INSURANCE ACT (ONTARIO): 1966, c. 34 (22nd September, 1966).
- CUSTODY OF DOCUMENTS REPEAL ACT: 1964, c. 17 (1st July, 1964).
- DAY NURSERIES ACT: 1966, c. 37 (10th August, 1967).
- DENTAL TECHNICIANS AMENDMENT ACT: 1960-61, c. 17 (1st July, 1961).
- DEPARTMENT OF CORRECTIONAL SERVICES ACT: 1968, c. 27 (except ss. 19, 20 and 31) (1st July, 1968); ss. 19 and 20 (26th August, 1969).
- DEPARTMENT OF FINANCIAL AND COMMERCIAL AFFAIRS ACT: 1966, c. 41 (24th November, 1966).
- DEPARTMENT OF FINANCIAL AND COMMERCIAL AFFAIRS AMENDMENT ACT: 1968-69, c. 25 (11th June, 1970).
- DEPARTMENT OF REVENUE ACT: 1968, c. 29 (23rd July, 1968).
- DEPARTMENT OF TOURISM AND INFORMATION ACT: 1966, c. 44, s. 7 (1st May, 1967).
- DEPOSITS REGULATION ACT: 1962-63, c. 36 (1st July, 1963).
- DEVOLUTION OF ESTATES AMENDMENT ACT: 1966, c. 45, ss. 2, 3 and 4 (1st January, 1967).
- DISTRICT WELFARE ADMINISTRATION BOARDS ACT: 1962-63, c. 37 (1st May, 1964).
- DIVISION COURTS AMENDMENT ACT: 1961-62, c. 35, ss. 1, 2, 3, 4, 8 and 9 (1st June, 1962).
- DRAINAGE ACT: 1962-63, c. 39 (1st June, 1963).
- ECONOMIC DEVELOPMENT LOANS GUARANTEE REPEAL ACT: 1966, c. 48 (3rd October, 1966).
- ELDERLY PERSONS' CENTRES ACT: 1966, c. 50 (29th February, 1968).
- ELEVATORS AND LIFTS AMENDMENT ACT: 1970, c. 29 (1st September, 1970).
- EMPLOYMENT STANDARDS ACT: 1968, c. 35 (1st January, 1969).
- EMPLOYMENT STANDARDS AMENDMENT ACT: 1970, c. 45, ss. 1, 2, 3 and 5-14 (1st October, 1970); s. 4 (1st January, 1971).
- ENERGY ACT: 1964, c. 27 (1st January, 1965).
- EVIDENCE AMENDMENT ACT: 1966, c. 51, s. 2 (1st January, 1967).
- EXECUTION AMENDMENT ACT: 1962-63, c. 42 (1st April, 1964).
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- EXPROPRIATION PROCEDURES AMENDMENT ACT: 1965, c. 38 (except s. 1) (1st July, 1965); 1966, c. 53 (1st January, 1967).
- EXPROPRIATIONS ACT: 1968-69, c. 36, s. 28 (1st December, 1970).

- FAMILY BENEFITS ACT: 1966, c. 54 (1st April, 1967).
- FINANCIAL ADMINISTRATION AMENDMENT ACT: 1968, c. 41 (23rd July, 1968).
- FIRE MARSHALS AMENDMENT ACT: 1966, c. 59, s. 1 (1) (1st January, 1970).
- FLAG ACT: 1965, c. 42 (21st May, 1965).
- FOREST FIRES PREVENTION ACT: 1968, c. 44 (1st April, 1969).
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- GAME AND FISH ACT: 1961-62, c. 48 (1st June, 1963).
- GAME AND FISH AMENDMENT ACT: 1962-63, c. 48 (1st June, 1963).
- GASOLINE HANDLING ACT: 1968-69, c. 41 (2nd February, 1970).
- GENERAL SESSIONS AMENDMENT ACT: 1961-62, c. 50 (14th September, 1962).
- GENERAL WELFARE ASSISTANCE AMENDMENT ACT: 1962-63, c. 53 (1st January, 1963).
- HEALTH INSURANCE REGISTRATION BOARD ACT: 1967, c. 33 (except ss. 3 (2) and 6) (1st August, 1967); ss. 3 (2) and 6 (1st January, 1968).
- HIGHWAY TRAFFIC AMENDMENT ACT: 1966, c. 64, s. 20 (2, 3) (1st January, 1967).
- HOMES FOR RETARDED PERSONS ACT: 1966, c. 65 (except ss. 8 and 9) (10th March, 1967); ss. 8 and 9 (1st April, 1967).
- HORTICULTURAL SOCIETIES AMENDMENT ACT: 1961-62, c. 54 (30th May, 1962).
- HOSPITAL SERVICES COMMISSION AMENDMENT ACT: 1967, c. 36, ss. 1, 2, 4, 5 (1, 3) (1st January, 1968).
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- INVESTIGATION OF TITLES REPEAL ACT: 1964, c. 48 (1st January, 1967).
- JUDICATURE AMENDMENT ACT: 1961-62, c. 65, s. 3 (14th September, 1962).
- JURORS AMENDMENT ACT: 1955, c. 37, ss. 8 (1), 11, 14 and 15—*but see* R.S.O. 1960, c. 199, s. 106 (1st January, 1961).
- LABOUR RELATIONS AMENDMENT ACT: 1961-62, c. 68, ss. 1 (1), 2, 8, 10 and 16 (2nd August, 1962); 1964, c. 53 (except ss. 11, 16 and 17) (1st October, 1964); 1966, c. 76, ss. 1 to 36 and 38 to 40 (1st September, 1966).
- LAKEHEAD UNIVERSITY ACT: 1965, c. 54 (1st July, 1965).
- LAND TITLES AMENDMENT ACT: 1965, c. 55 (1st October, 1965); 1966, c. 77, ss. 15, 16, 17 and 18 (1st January, 1967); 1968-69, c. 57, ss. 4, 8, 9 (16th June, 1969); s. 11 (1st January, 1970); 1970, c. 35, s. 2 (2) (2nd November, 1970).
- LAW ENFORCEMENT COMPENSATION ACT: 1967, c. 45 (1st April, 1968).
- LAW SOCIETY ACT: 1970, c. 19 (1st October, 1970).
- LEGAL AID ACT: 1966, c. 80 (29th March, 1967).
- LIQUOR CONTROL AMENDMENT ACT: 1960-61, c. 47 (19th January, 1961).
- LIVE STOCK COMMUNITY SALES AMENDMENT ACT: 1967, c. 48 (1st January, 1969).
- LOAN AND TRUST CORPORATIONS AMENDMENT ACT: 1960-61, c. 48, ss. 3 and 4 (15th August, 1961); 1966, c. 81 (1st January, 1967).

- LOCAL ROADS BOARDS AMENDMENT ACT: 1965, c. 63 (1st October, 1965).
- LOGGERS' SAFETY ACT: 1962-63, c. 76 (20th November, 1964).
- MEAT INSPECTION ACT (ONTARIO): 1962-63, c. 78, ss. 1 and 4 to 12 (21st January, 1965); s. 3, (1st April, 1965); s. 2 (1st April, 1967); 1965, c. 68, s. 2 (1st April, 1967).
- MECHANICS' LIEN ACT: 1968-69, c. 65 (1st May, 1970).
- MECHANICS' LIEN AMENDMENT ACT: 1962-63, c. 79 (1st April, 1964).
- MEDICAL SERVICES INSURANCE ACT: 1965, c. 70 (except ss. 2 (1) and 27) (18th February, 1966); ss. 2 (1) and 27 (4th October, 1965).
- MEDICAL SERVICES INSURANCE AMENDMENT ACT: 1966, c. 86 (18th February, 1966); 1967, c. 50, ss. 1 to 6 and 8 to 11 (1st January, 1968); 1968, c. 70 (3rd June, 1968).
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- PARTNERSHIPS REGISTRATION AMENDMENT ACT: 1962-63, c. 102 (1st April, 1964).
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- PLANNING AMENDMENT ACT: 1964, c. 90, ss. 1 and 6 (3rd May, 1965).
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- ROYAL ONTARIO MUSEUM ACT: 1968, c. 119 (1st July, 1968).
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amended	226/62	Sept. 29/62	
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amended	6/63	Jan. 26/63	
amended	198/63	July 27/63	
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amended	191/64	Aug. 8/64	
amended	25/65	Feb. 6/65	
amended	162/65	July 10/65	
amended	209/65	Sept. 11/65	
amended	234/65	Oct. 2/65	
amended	296/65	Nov. 20/65	
amended	7/66	Jan. 22/66	
amended	79/66	April 9/66	
amended	154/66	June 11/66	
amended	25/67	Feb. 4/67	
amended	85/67	Mar. 25/67	
amended	169/67	May 27/67	
amended	310/67	Sept. 16/67	
amended	239/68	July 20/68	
amended	289/68	Aug. 24/68	
amended	20/69	Feb. 1/69	
amended	109/69	April 5/69	
amended	150/69	Mar. 3/69	
amended	382/69	Oct. 4/69	
amended	268/70	June 27/70	
amended	303/70	July 18/70	
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amended	518/70	Dec. 26/70	
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Removals	131/66	May 14/66	
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amended	154/65	July 3/65	
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amended	43/67	Feb. 18/67	
amended	149/67	May 6/67	
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<i>amended</i> .....	...	177/66	July 2/66
<i>amended</i> .....	...	349/66	Nov. 26/66
<i>amended</i> .....	...	400/67	Nov. 25/67
<i>amended</i> .....	...	173/68	May 25/68
<i>amended</i> .....	...	348/68	Oct. 19/68
<i>amended</i> .....	...	220/69	June 14/69
<i>amended</i> .....	...	315/69	Aug. 16/69
<i>amended</i> .....	...	152/70	April 11/70
<i>amended</i> .....	...	190/70	May 16/70
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<i>amended</i> . . . . .	...	275/68	Aug. 10/68
<i>amended</i> . . . . .	...	422/68	Dec. 21/68
<i>amended</i> . . . . .	...	137/69	April 19/69
<i>amended</i> . . . . .	...	513/69	Jan. 10/70
<i>amended</i> . . . . .	...	449/70	Nov. 7/70
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<i>amended</i> . . . . .	...	78/69	Mar. 22/69
<i>amended</i> . . . . .	...	223/70	May 30/70
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<i>amended</i> . . . . .	...	116/68	Apr. 13/68
<i>amended</i> . . . . .	...	59/69	Mar. 8/69
<i>amended</i> . . . . .	...	170/69	May 10/69
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Potatoes . . . . .	...	195/69	May 31/69
<i>amended</i> . . . . .	...	221/70	May 30/70
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<i>amended</i> . . . . .	...	228/70	May 30/70
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<i>amended</i> . . . . .	...	201/67	June 10/67
<i>amended</i> . . . . .	...	105/68	Apr. 6/68
<i>amended</i> . . . . .	...	149/69	May 3/69
<i>amended</i> . . . . .	...	222/70	May 30/70
Sweet Corn . . . . .	...	207/70	May 23/70
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<i>amended</i> . . . . .	...	226/70	May 30/70
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<i>amended</i> . . . . .	...	224/70	May 30/70
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<i>amended</i> . . . . .	...	330/67	Sept. 30/67
<i>amended</i> . . . . .	...	365/67	Oct. 28/67
<i>amended</i> . . . . .	...	296/68	Aug. 31/68
<i>amended</i> . . . . .	...	227/70	May 30/70
<i>amended</i> . . . . .	...	431/70	Oct. 31/70
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<i>amended</i> . . . . .	...	169/69	May 10/69
<i>amended</i> . . . . .	...	194/69	May 31/69
<i>amended</i> . . . . .	...	203/70	May 23/70
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<i>amended</i> . . . . .	...	225/70	May 30/70
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<i>amended</i> .....	.....	110/68	April 6/68
<i>amended</i> .....	.....	77/69	Mar. 22/69
<i>amended</i> .....	.....	219/69	June 14/69
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<i>amended</i> .....	.....	123/68	April 13/68
<i>amended</i> .....	.....	284/70	July 11/70
<i>amended</i> .....	.....	394/70	Sept. 26/70
<i>amended</i> .....	.....	534/70	Jan. 2/71
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amended.....	...	127/68	April 20/68
amended.....	...	128/68	April 20/68
amended.....	...	178/68	May 25/68
amended.....	...	352/68	Oct. 19/68
amended.....	...	61/69	Mar. 8/69
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amended.....	...	148/69	May 3/69
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<i>amended</i> .....	161/67		May 13/67
<i>amended</i> .....	8/70		Jan. 17/70
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<i>amended</i> .....	19/69		Feb. 1/69
<i>amended</i> .....	34/69		Feb. 15/69
<i>amended</i> .....	121/69		April 12/69
<i>amended</i> .....	167/69		May 10/69
<i>amended</i> .....	151/70		Apr. 11/70
<i>amended</i> .....	430/70		Oct. 31/70
<i>amended</i> .....	488/70		Dec. 5/70
<i>amended</i> .....	538/70		Jan. 2/71
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<i>amended</i> .....	64/62		Mar. 24/62
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<i>amended</i> .....	169/68		May 25/68
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<i>amended</i> .....		232/62	Sept. 29/62
<i>amended</i> .....		301/62	Nov. 24/62

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amended		318/62	Dec. 15/62	
amended		36/64	Feb. 22/64	
amended		55/64	Mar. 14/64	
amended		289/64	Oct. 31/64	
amended		263/65	Oct. 30/65	
amended		321/66	Oct. 29/66	
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amended		261/61	Aug. 5/61	
amended		184/62	Aug. 4/62	
amended		213/62	Sept. 8/62	
amended		215/63	Aug. 31/63	
amended		69/64	April 11/64	
amended		191/65	Aug. 14/65	
amended		12/66	Jan. 22/66	
amended		69/66	April 2/66	
amended		183/66	July 9/66	
amended		280/66	Sept. 24/66	
amended		7/67	Jan. 21/67	
amended		35/67	Feb. 11/67	
amended		176/67	May 27/67	
amended		177/67	May 27/67	
amended		170/68	May 25/68	
amended		326/68	Sept. 21/68	
amended		33/69	Feb. 15/69	
amended		435/69	Nov. 15/69	
amended		140/70	Apr. 11/70	
amended		403/70	Oct. 3/70	
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amended		168/63	July 6/63	
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amended		141/65	June 19/65	
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Apples				
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amended		214/67	July 1/67	
amended		262/67	Aug. 5/67	
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amended		108/62	May 19/62	
amended		81/63	April 20/63	
amended		236/63	Sept. 14/63	
amended		95/67	Mar. 25/67	
amended		40/70	Feb. 7/70	
Plan	148			
amended		223/63	Aug. 31/63	
amended		295/63	Nov. 16/63	
amended		94/67	Mar. 25/67	

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Beans				
Marketing	...	229/68	July 13/68	
Plan	...	48/66	Mar. 5/66	
<i>amended</i>	...	142/66	May 21/66	
<i>amended</i>	...	385/67	Nov. 11/67	
Berries for Processing				
Marketing	151	.....	.....	
Plan	152	.....	.....	
Broiler Chickens				
Marketing	...	101/65	May 8/65	
<i>amended</i>	...	144/65	June 19/65	
<i>amended</i>	...	20/67	Jan. 28/67	
<i>amended</i>	...	113/67	April 8/67	
<i>amended</i>	...	202/67	June 10/67	
<i>amended</i>	...	28/69	Feb. 8/69	
<i>amended</i>	...	379/69	Sept. 27/69	
<i>amended</i>	...	382/70	Sept. 12/70	
Plan	...	100/65	May 8/65	
<i>amended</i>	...	112/67	April 8/67	
<i>amended</i>	...	362/67	Oct. 28/67	
<i>amended</i>	...	381/70	Sept. 12/70	
By-laws for Local Boards	...	97/67	Mar. 25/67	
Celery				
Marketing	154	.....	.....	
Plan	155	.....	.....	
Eggs and Fowl				
Marketing	...	193/64	Aug. 8/64	
<i>amended</i>	...	255/69	July 5/69	
Plan	...	188/64	Aug. 1/64	
Fresh Fruit				
Marketing	...	109/66	April 30/66	
<i>amended</i>	...	290/66	Oct. 1/66	
Plan	...	104/66	April 23/66	
<i>amended</i>	...	363/67	Oct. 28/67	
Fresh Grapes				
Marketing	...	191/66	July 16/66	
<i>amended</i>	...	289/66	Oct. 1/66	
Plan	...	184/66	July 9/66	
Fresh Vegetables				
Marketing	158	.....	.....	
Plan	159	.....	.....	
Grapes for Processing				
Marketing	160	.....	.....	
<i>amended</i>	...	163/61	July 3/61	
<i>amended</i>	...	239/63	Sept. 14/63	
<i>amended</i>	...	213/64	Aug. 22/64	
<i>amended</i>	...	192/65	Aug. 14/65	
<i>amended</i>	...	32/66	Feb. 12/66	
<i>amended</i>	...	291/66	Oct. 1/66	
<i>amended</i>	...	96/67	Mar. 25/67	
<i>amended</i>	...	348/69	Sept. 6/69	
Plan	161	.....	.....	
<i>amended</i>	...	164/61	July 3/61	
<i>amended</i>	...	220/63	Aug. 31/63	
Greenhouse Vegetables				
Marketing	...	116/67	April 15/67	
Plan	...	114/67	April 8/67	
Hogs				
Marketing	162	.....	.....	
<i>amended</i>	...	350/61	Nov. 18/61	
<i>amended</i>	...	217/62	Sept. 8/62	
<i>amended</i>	...	329/62	Dec. 22/62	
<i>amended</i>	...	116/63	June 1/63	
<i>amended</i>	...	352/63	Jan. 4/64	

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Marketing—Continued			
amended.....	...	56/65	Mar. 81/65
amended.....	...	324/65	Dec. 18/65
amended.....	...	193/66	July 16/66
amended.....	...	346/66	Nov. 26/66
amended.....	...	239/70	June 6/70
Plan.....	163	...	...
amended.....	...	349/61	Nov. 18/61
amended.....	...	351/63	Jan. 4/64
amended.....	...	511/70	Dec. 19/70
Local Boards.....	...	98/67	Mar. 25/67
amended.....	...	197/68	June 15/68
Onions			
Marketing.....	...	129/66	May 14/66
amended.....	...	111/67	April 8/67
amended.....	...	238/67	July 15/67
amended.....	...	279/69	July 19/69
Plan.....	...	128/66	May 14/66
amended.....	...	323/69	Aug. 23/69
Seed-Corn			
Marketing.....	165	...	...
amended.....	...	166/61	July 3/61
amended.....	...	106/62	May 19/62
amended.....	...	342/63	Dec. 28/63
Plan.....	166	...	...
amended.....	...	107/62	May 19/62
amended.....	...	341/63	Dec. 28/63
Soya-Beans			
Marketing.....	167	...	...
amended.....	...	170/64	July 11/64
amended.....	...	326/65	Dec. 18/65
Plan.....	168	...	...
amended.....	...	167/61	July 3/61
amended.....	...	325/65	Dec. 18/65
amended.....	...	501/69	Jan. 3/70
Sugar-Beets			
Marketing.....	169	...	...
Plan.....	170	...	...
amended.....	...	133/68	April 20/68
Tender Fruit for Processing			
Marketing.....	171	...	...
amended.....	...	168/61	July 3/61
amended.....	...	254/61	July 29/61
amended.....	...	240/63	Sept. 14/63
amended.....	...	125/65	May 29/65
amended.....	...	193/65	Aug. 14/65
amended.....	...	292/66	Oct. 1/66
Plan.....	172	...	...
amended.....	...	219/63	Aug. 31/63
amended.....	...	452/69	Nov. 22/69
Tobacco			
Marketing.....	173	...	...
amended.....	...	107/63	May 11/63
amended.....	...	108/63	May 11/63
amended.....	...	315/63	Nov. 30/63
amended.....	...	53/64	Mar. 14/64
amended.....	...	223/64	Sept. 5/64
amended.....	...	36/65	Feb. 13/65
amended.....	...	186/65	July 31/65
amended.....	...	91/66	April 16/66
amended.....	...	293/66	Oct. 1/66

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Plan.....	174	.....	.....
<i>amended</i> .....	.....	346/61	Nov. 11/61
<i>amended</i> .....	.....	102/63	May 11/63
<i>amended</i> .....	.....	87/64	May 2/64
<i>amended</i> .....	.....	140/65	June 19/65
Turkeys			
Marketing.....	.....	204/65	Aug. 28/65
<i>amended</i> .....	.....	211/69	June 7/69
<i>amended</i> .....	.....	378/69	Sept. 27/69
Plan.....	.....	203/65	Aug. 28/65
<i>amended</i> .....	.....	212/65	Sept. 11/65
Vegetables for Processing			
Marketing.....	175	.....	.....
<i>amended</i> .....	.....	241/63	Sept. 14/63
<i>amended</i> .....	.....	263/63	Oct. 19/63
<i>amended</i> .....	.....	44/64	Mar. 7/64
<i>amended</i> .....	.....	344/66	Nov. 26/66
<i>amended</i> .....	.....	120/67	April 15/67
<i>amended</i> .....	.....	102/70	Mar. 14/70
<i>amended</i> .....	.....	346/70	Aug. 22/70
Plan.....	176	.....	.....
<i>amended</i> .....	.....	222/63	Aug. 31/63
<i>amended</i> .....	.....	340/63	Dec. 28/63
<i>amended</i> .....	.....	101/70	Mar. 14/70
Wheat			
Marketing.....	177	.....	.....
<i>amended</i> .....	.....	242/63	Sept. 14/63
<i>amended</i> .....	.....	57/67	Feb. 18/67
Plan.....	178	.....	.....
<i>amended</i> .....	.....	221/63	Aug. 31/63
<i>amended</i> .....	.....	270/63	Oct. 26/63
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<i>amended</i> .....	.....	145/67	April 29/67
<i>amended</i> .....	.....	513/70	Dec. 19/70
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<i>amended</i> .....	.....	336/69	Aug. 30/69
<i>amended</i> .....	.....	245/70	June 13/70
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<i>amended</i> .....		243/70	June 13/70
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<i>amended</i> .....		369/66	Dec. 10/66
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<i>amended</i> .....		315/67	Sept. 16/67
<i>amended</i> .....		88/68	Mar. 23/68
<i>amended</i> .....		381/69	Oct. 4/69
<i>amended</i> .....		473/69	Dec. 13/69
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<i>amended</i> .....		43/69	Feb. 22/69
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<i>amended</i> .....		355/65	Jan. 8/66
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<i>amended</i> .....		260/66	Sept. 3/66
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<i>amended</i> .....		113/68	April 13/68
<i>amended</i> .....		427/68	Dec. 21/68
<i>amended</i> .....		319/69	Aug. 16/69
<i>amended</i> .....		413/70	Oct. 3/70
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<i>amended</i> .....		314/67	Sept. 16/67
<i>amended</i> .....		17/68	Jan. 27/68
<i>amended</i> .....		114/68	April 13/68
<i>amended</i> .....		251/68	July 20/68
<i>amended</i> .....		302/68	Aug. 31/68
<i>amended</i> .....		317/68	Sept. 7/68
<i>amended</i> .....		364/68	Oct. 26/68
<i>amended</i> .....		100/70	Mar. 14/70
<i>amended</i> .....		172/70	May 9/70
<i>amended</i> .....		264/70	June 27/70
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<i>amended</i> .....	318/69		Aug. 16/69
<i>amended</i> .....	344/69		Sept. 6/69
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<i>amended</i> .....	98/70		Mar. 14/70
<i>amended</i> .....	166/70		May 2/70
<i>amended</i> .....	324/70		Aug. 8/70
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<i>amended</i> .....	131/65		June 5/65
<i>amended</i> .....	108/68		April 6/68
<i>amended</i> .....	115/69		April 12/69
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<i>amended</i> .....	74/65		April 23/65
<i>amended</i> .....	97/65		May 8/65
<i>amended</i> .....	36/69		Feb. 15/69
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<i>amended</i> .....	35/69		Feb. 15/69
<i>amended</i> .....	74/69		Mar. 15/69
<i>amended</i> .....	168/69		May 10/69
<i>amended</i> .....	303/69		Aug. 9/69
<i>amended</i> .....	71/70		Feb. 21/70
<i>amended</i> .....	150/70		Apr. 11/70
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<i>amended</i> .....	...	189/66	July 9/66
<i>amended</i> .....	...	18/69	Feb. 1/69
<i>amended</i> .....	...	120/69	April 12/69
<i>amended</i> .....	...	312/69	Aug. 16/69
<i>amended</i> .....	...	44/70	Feb. 14/70
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<i>amended</i> .....	...	392/70	Sept. 19/70
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<i>amended</i> .....	...	337/63	Dec. 28/63
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<i>amended</i> .....	...	392/69	Oct. 11/69
<i>amended</i> .....	...	393/69	Oct. 11/69
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<i>amended</i> .....	...	38/62	Oct. 27/62
<i>amended</i> .....	...	266/62	Sept. 19/64
<i>amended</i> .....	...	317/65	Dec. 11/65
<i>amended</i> .....	...	97/66	April 16/66
<i>amended</i> .....	...	226/66	Aug. 6/66
<i>amended</i> .....	...	17/67	Jan. 28/67
<i>amended</i> .....	...	98/68	Mar. 30/68
<i>amended</i> .....	...	426/68	Dec. 21/68
<i>amended</i> .....	...	323/70	Aug. 8/70
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<i>amended</i> .....	...	342/61	Oct. 28/61
<i>amended</i> .....	...	13/62	Jan. 27/62
<i>amended</i> .....	...	39/62	Feb. 24/62
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amended .....	287/62	Nov. 10/62	
amended .....	307/62	Dec. 1/62	
amended .....	314/62	Dec. 8/62	
amended .....	54/63	Mar. 16/63	
amended .....	174/63	July 13/63	
amended .....	259/63	Oct. 12/63	
amended .....	331/63	Dec. 21/63	
amended .....	173/64	July 18/64	
amended .....	195/64	Aug. 8/64	
amended .....	287/64	Oct. 31/64	
amended .....	94/65	May 1/65	
amended .....	215/65	Sept. 11/65	
amended .....	243/65	Oct. 2/65	
amended .....	269/65	Nov. 6/65	
amended .....	41/66	Feb. 26/66	
amended .....	73/66	April 2/66	
amended .....	82/66	April 9/66	
amended .....	156/66	June 11/66	
amended .....	203/66	July 16/66	
amended .....	239/66	Aug. 13/66	
amended .....	397/66	Jan. 7/67	
amended .....	79/67	Mar. 18/67	
amended .....	154/67	May 6/67	
amended .....	227/67	July 8/67	
amended .....	290/67	Aug. 19/67	
amended .....	303/67	Sept. 2/67	
amended .....	343/67	Oct. 14/67	
amended .....	382/67	Nov. 11/67	
amended .....	27/68	Feb. 17/68	
amended .....	97/68	Mar. 30/68	
amended .....	145/68	April 27/68	
amended .....	267/68	Aug. 3/68	
amended .....	344/68	Oct. 12/68	
amended .....	432/68	Dec. 28/68	
amended .....	80/69	Mar. 22/69	
amended .....	136/69	April 19/69	
amended .....	183/69	May 24/69	
amended .....	251/69	July 5/69	
amended .....	294/69	July 26/69	
amended .....	338/69	Aug. 30/69	
amended .....	371/69	Sept. 20/69	
amended .....	459/69	Dec. 6/69	
amended .....	488/69	Dec. 27/69	
amended .....	63/70	Feb. 21/70	
amended .....	93/70	Mar. 7/70	
amended .....	149/70	Apr. 11/70	
amended .....	193/70	May 16/70	
amended .....	272/70	June 27/70	
amended .....	340/70	Aug. 15/70	
amended .....	426/70	Oct. 24/70	
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amended .....	500/70	Dec. 12/70	
amended .....	502/70	Dec. 12/70	
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amended .....	1/63	Jan. 12/63	
amended .....	43/63	Mar. 9/63	
amended .....	53/63	Mar. 16/63	
amended .....	300/63	Nov. 16/63	
amended .....	126/65	May 29/65	

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<b>Highway Improvement Act—Continued</b>			
Designations—Continued			
Queen Elizabeth Way—Continued			
amended . . . . .	...	345/67	Oct. 14/67
amended . . . . .	...	37/68	Feb. 24/68
amended . . . . .	...	337/69	Aug. 30/69
Toronto to North Bay . . . . .	215		
amended . . . . .	...	176/61	July 3/61
amended . . . . .	...	47/66	Mar. 5/66
amended . . . . .	...	114/66	April 30/66
amended . . . . .	...	396/66	Jan. 7/67
amended . . . . .	...	36/68	Feb. 24/68
amended . . . . .	...	372/69	Sept. 20/69
amended . . . . .	...	481/69	Dec. 20/69
amended . . . . .	...	128/70	Mar. 28/70
amended . . . . .	...	213/70	May 23/70
amended . . . . .	...	271/70	June 27/70
Toronto to Quebec Boundary (Hwy. 401) . . . . .	216		
amended . . . . .	...	177/61	July 3/61
amended . . . . .	...	178/62	July 28/62
amended . . . . .	...	120/63	June 8/63
amended . . . . .	...	29/65	Feb. 6/65
amended . . . . .	...	242/65	Oct. 2/65
amended . . . . .	...	202/66	July 16/66
amended . . . . .	...	14/69	Feb. 1/69
amended . . . . .	...	310/70	July 25/70
amended . . . . .	...	499/70	Dec. 12/70
Toronto to Windsor (Hwy. 401) . . . . .	217		
amended . . . . .	...	178/61	July 3/61
amended . . . . .	...	358/61	Dec. 2/61
amended . . . . .	...	12/62	Jan. 27/62
amended . . . . .	...	179/62	July 28/62
amended . . . . .	...	16/63	Feb. 9/63
amended . . . . .	...	194/63	July 27/63
amended . . . . .	...	248/63	Sept. 21/63
amended . . . . .	...	7/64	Jan. 25/64
amended . . . . .	...	66/65	Mar. 20/65
amended . . . . .	...	225/66	Aug. 6/66
amended . . . . .	...	79/69	Mar. 22/69
amended . . . . .	...	252/69	July 5/69
amended . . . . .	...	322/70	Aug. 8/70
Toronto to Woodstock (Hwy. 403) . . . . .	...	286/62	Nov. 10/62
amended . . . . .	...	212/63	Aug. 24/63
amended . . . . .	...	155/64	July 4/64
amended . . . . .	...	113/66	April 30/66
amended . . . . .	...	21/68	Feb. 10/68
amended . . . . .	...	253/69	July 5/69
amended . . . . .	...	458/69	Dec. 6/69
Trans-Canada Highway			
Orillia to Manitoba Boundary . . . . .	218		
amended . . . . .	...	259/61	Aug. 5/61
amended . . . . .	...	361/61	Dec. 2/61
amended . . . . .	...	41/62	Feb. 24/62
amended . . . . .	...	306/62	Dec. 1/62
amended . . . . .	...	445/68	Jan. 4/69
amended . . . . .	...	341/70	Aug. 15/70
Orillia to Quebec Boundary . . . . .	219		
amended . . . . .	...	180/61	July 3/61
amended . . . . .	...	285/61	Sept. 2/61
amended . . . . .	...	360/61	Dec. 2/61
amended . . . . .	...	386/61	Jan. 6/62
amended . . . . .	...	151/62	June 30/62
amended . . . . .	...	181/62	July 28/62
amended . . . . .	...	113/63	May 25/63
amended . . . . .	...	175/63	July 13/63

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Designations—Continued			
Trans-Canada Highway—Continued			
Orillia to Quebec Boundary—Continued			
amended	194/64	Aug. 8/64	
amended	320/64	Dec. 12/64	
amended	258/65	Oct. 23/65	
amended	226/67	July 8/67	
amended	129/68	April 20/68	
amended	269/68	Aug. 3/68	
amended	339/69	Aug. 30/69	
amended	489/69	Dec. 27/69	
amended	424/70	Oct. 24/70	
amended	443/70	Nov. 7/70	
Intersections in Unorganized Territory	249/62	Oct. 13/62	
Permits	118/65	May 22/65	
Use of Rest, Service or Other Areas	381/67	Nov. 11/67	
<b>Highway Traffic Act</b>			
Appeals	205/65	Aug. 28/65	
Bicycles	179/63	July 13/63	
Certificate of Mechanical Fitness	354/68	Oct. 19/68	
Construction Zones	233/67	July 15/67	
amended	251/67	July 29/67	
amended	258/67	Aug. 5/67	
amended	305/67	Sept. 9/67	
amended	34/68	Feb. 24/68	
amended	158/68	May 18/68	
amended	181/68	June 1/68	
amended	217/68	July 6/68	
amended	309/68	Sept. 7/68	
amended	359/68	Oct. 26/68	
amended	41/69	Feb. 15/69	
amended	145/69	May 3/69	
amended	201/69	May 31/69	
amended	254/69	July 5/69	
amended	375/69	Sept. 20/69	
amended	410/69	Nov. 8/69	
amended	456/69	Dec. 6/69	
amended	31/70	Feb. 7/70	
amended	82/70	Feb. 28/70	
amended	119/70	Mar. 21/70	
amended	163/70	Apr. 25/70	
amended	192/70	May 16/70	
amended	274/70	June 27/70	
amended	373/70	Sept. 5/70	
Dangerous Loads	181/61	July 3/61	
Demerit Point System	129/62	June 16/62	
amended	339/63	Dec. 28/63	
amended	176/64	July 18/64	
Designation of Highways	222		
Driving Instructor's Licence	223		
amended	127/65	June 5/65	
Equipment	224		
amended	66/64	Mar. 28/64	
amended	215/66	July 30/66	
Extension of Time for Licenses	508/70	Dec. 12/70	
Garage and Storage Licence	226		
General	227		
amended	182/61	July 3/61	
amended	291/61	Sept. 9/61	
amended	157/62	June 30/62	
amended	317/62	Dec. 15/62	
amended	322/62	Dec. 15/62	

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General—Continued			
amended.....		76/63	April 13/63
amended.....		311/63	Nov. 30/63
amended.....		40/64	Feb. 29/64
amended.....		228/64	Sept. 12/64
amended.....		297/65	Nov. 20/65
amended.....		216/66	July 30/66
amended.....		238/66	Aug. 13/66
amended.....		373/66	Dec. 17/66
amended.....		191/67	June 3/67
amended.....		234/67	July 15/67
amended.....		244/67	July 22/67
amended.....		302/67	Sept. 2/67
amended.....		394/67	Nov. 18/67
amended.....		96/68	Mar. 30/68
amended.....		103/68	April 6/68
amended.....		307/68	Sept. 7/68
amended.....		353/68	Oct. 19/68
amended.....		443/68	Jan. 4/69
amended.....		71/69	Mar. 15/69
amended.....		191/69	May 24/69
amended.....		485/69	Dec. 20/69
amended.....		118/70	Mar. 21/70
Gross Weight on Bridges.....		41/63	Mar. 2/63
amended.....		264/63	Oct. 19/63
amended.....		506/70	Dec. 12/70
Load Limits.....		60/70	Feb. 21/70
amended.....		181/70	May 16/70
Notice to Have Motor Vehicle Examined and Tested..		232/70	May 30/70
Parking.....	229		
amended.....		114/64	May 30/64
amended.....		116/64	June 6/64
amended.....		285/64	Oct. 31/64
amended.....		310/64	Nov. 28/64
amended.....		147/66	June 4/66
amended.....		251/66	Aug. 27/66
amended.....		15/67	Jan. 28/67
amended.....		211/67	June 24/67
amended.....		296/67	Aug. 26/67
amended.....		13/68	Jan. 27/68
amended.....		159/68	May 18/68
amended.....		253/68	July 27/68
amended.....		308/68	Sept. 7/68
amended.....		144/69	May 3/69
amended.....		278/69	July 19/69
amended.....		310/69	Aug. 9/69
amended.....		380/69	Sept. 27/69
amended.....		434/69	Nov. 15/69
amended.....		479/69	Dec. 20/69
amended.....		114/70	Mar. 21/70
amended.....		433/70	Oct. 31/70
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Safety Helmets for Motorcycle Riders.....		306/68	Aug. 31/68
School Buses.....		183/61	July 3/61
amended.....		119/62	June 2/62
amended.....		262/66	Sept. 3/66
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amended.....		333/61	Sept. 30/61
amended.....		29/62	Feb. 17/62
amended.....		325/63	Dec. 14/63
amended.....		140/64	June 27/64
amended.....		316/ 4	Dec. 12/64
amended.....		171/65	July 17/65
amended.....		41/ 67	Dec. 16/67

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Signs—Continued			
<i>amended</i> . . . . .		230/68	July 13/68
<i>amended</i> . . . . .		434/70	Oct. 31/70
Slow-Moving Vehicle Sign . . . . .		316/68	Sept. 7/68
Special Permits . . . . .		434/68	Dec. 28/68
Speed Limit—Brock Road, City of Guelph . . . . .		442/68	Jan. 4/69
Speed Limits . . . . .	232		
<i>amended</i> . . . . .		184/61	July 3/61
<i>amended</i> . . . . .		330/61	Oct. 21/61
<i>amended</i> . . . . .		348/61	Nov. 18/61
<i>amended</i> . . . . .		356/61	Nov. 25/61
<i>amended</i> . . . . .		371/61	Dec. 16/61
<i>amended</i> . . . . .		15/62	Jan. 27/62
<i>amended</i> . . . . .		52/62	Mar. 3/62
<i>amended</i> . . . . .		118/62	June 2/62
<i>amended</i> . . . . .		128/62	June 9/62
<i>amended</i> . . . . .		158/62	June 30/62
<i>amended</i> . . . . .		164/62	July 14/62
<i>amended</i> . . . . .		172/62	July 14/62
<i>amended</i> . . . . .		183/62	July 28/62
<i>amended</i> . . . . .		197/62	Aug. 18/62
<i>amended</i> . . . . .		205/62	Aug. 25/62
<i>amended</i> . . . . .		231/62	Sept. 29/62
<i>amended</i> . . . . .		262/62	Oct. 20/62
<i>amended</i> . . . . .		273/62	Oct. 27/62
<i>amended</i> . . . . .		284/62	Nov. 3/62
<i>amended</i> . . . . .		303/62	Nov. 24/62
<i>amended</i> . . . . .		312/62	Dec. 1/62
<i>amended</i> . . . . .		324/62	Dec. 15/62
<i>amended</i> . . . . .		5/63	Jan. 19/63
<i>amended</i> . . . . .		23/63	Feb. 16/63
<i>amended</i> . . . . .		34/63	Feb. 23/63
<i>amended</i> . . . . .		72/63	April 6/63
<i>amended</i> . . . . .		75/63	April 13/63
<i>amended</i> . . . . .		89/63	April 27/63
<i>amended</i> . . . . .		114/63	May 25/63
<i>amended</i> . . . . .		122/63	June 8/63
<i>amended</i> . . . . .		178/63	July 13/63
<i>amended</i> . . . . .		207/63	Aug. 10/63
<i>amended</i> . . . . .		228/63	Aug. 31/63
<i>amended</i> . . . . .		256/63	Oct. 5/63
<i>amended</i> . . . . .		265/63	Oct. 19/63
<i>amended</i> . . . . .		292/63	Nov. 16/63
<i>amended</i> . . . . .		336/63	Dec. 28/63
<i>amended</i> . . . . .		338/63	Dec. 28/63
<i>amended</i> . . . . .		18/64	Feb. 1/64
<i>amended</i> . . . . .		38/64	Feb. 22/64
<i>amended</i> . . . . .		60/64	Mar. 14/64
<i>amended</i> . . . . .		81/64	April 25/64
<i>amended</i> . . . . .		88/64	May 2/64
<i>amended</i> . . . . .		163/64	July 11/64
<i>amended</i> . . . . .		166/64	July 11/64
<i>amended</i> . . . . .		216/64	Aug. 29/64
<i>amended</i> . . . . .		227/64	Sept. 12/64
<i>amended</i> . . . . .		284/64	Oct. 31/64
<i>amended</i> . . . . .		1/65	Jan. 23/65
<i>amended</i> . . . . .		31/65	Feb. 6/65
<i>amended</i> . . . . .		58/65	Mar. 13/65
<i>amended</i> . . . . .		80/65	April 3/65
<i>amended</i> . . . . .		109/65	May 22/65
<i>amended</i> . . . . .		152/65	July 3/65
<i>amended</i> . . . . .		206/65	Aug. 28/65
<i>amended</i> . . . . .		246/65	Oct. 9/65

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Speed Limits—Continued			
amended . . . . .	274/65	Nov. 13/65	
amended . . . . .	336/65	Dec. 25/65	
amended . . . . .	25/66	Feb. 5/66	
amended . . . . .	68/66	Mar. 26/66	
amended . . . . .	134/66	May 21/66	
amended . . . . .	250/66	Aug. 27/66	
amended . . . . .	252/66	Aug. 27/66	
amended . . . . .	308/66	Oct. 15/66	
amended . . . . .	315/66	Oct. 22/66	
amended . . . . .	370/66	Dec. 10/66	
amended . . . . .	151/67	May 6/67	
amended . . . . .	224/67	July 8/67	
amended . . . . .	259/67	Aug. 5/67	
amended . . . . .	335/67	Sept. 30/67	
amended . . . . .	431/67	Dec. 23/67	
amended . . . . .	73/68	Mar. 16/68	
amended . . . . .	95/68	Mar. 30/68	
amended . . . . .	161/68	May 18/68	
amended . . . . .	204/68	June 22/68	
amended . . . . .	266/68	Aug. 3/68	
amended . . . . .	394/68	Nov. 16/68	
amended . . . . .	400/68	Nov. 23/68	
amended . . . . .	439/68	Jan. 4/69	
amended . . . . .	440/68	Jan. 4/69	
amended . . . . .	39/69	Feb. 15/69	
amended . . . . .	179/69	May 24/69	
amended . . . . .	400/69	Oct. 25/69	
amended . . . . .	115/70	Mar. 21/70	
amended . . . . .	180/70	May 16/70	
amended . . . . .	252/70	June 20/70	
amended . . . . .	325/70	Aug. 8/70	
amended . . . . .	387/70	Sept. 12/70	
Speed Limits in Provincial Parks . . . . .	233		
Speed Limits on Bridges . . . . .	234		
amended . . . . .	12/63	Feb. 2/63	
amended . . . . .	507/70	Dec. 12/70	
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amended . . . . .	90/63	April 27/63	
amended . . . . .	182/63	July 13/63	
amended . . . . .	208/63	Aug. 10/63	
amended . . . . .	41/64	Feb. 29/64	
amended . . . . .	106/64	May 23/64	
amended . . . . .	138/64	June 27/64	
amended . . . . .	273/65	Nov. 13/65	
amended . . . . .	263/66	Sept. 3/66	
amended . . . . .	393/66	Jan. 7/67	
amended . . . . .	350/67	Oct. 14/67	
amended . . . . .	12/68	Jan. 27/68	
amended . . . . .	102/68	April 6/68	
amended . . . . .	160/68	May 18/68	
amended . . . . .	252/68	July 27/68	
amended . . . . .	441/68	Jan. 4/69	
amended . . . . .	143/69	May 3/69	
amended . . . . .	276/69	July 19/69	
amended . . . . .	388/70	Sept. 12/70	
Tire Standards and Specifications . . . . .	58/67	Feb. 25/67	
amended . . . . .	393/67	Nov. 18/67	
amended . . . . .	89/68	Mar. 23/68	
amended . . . . .	227/68	July 13/68	
amended . . . . .	438/68	Jan. 4/69	
amended . . . . .	55/69	Mar. 1/69	
amended . . . . .	423/70	Oct. 17/70	

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Use of Controlled-Access Highways by Pedestrians....	...	16/67	Jan. 28/67
<i>amended</i> .....	...	277/69	July 19/69
<i>amended</i> .....	...	309/69	Aug. 9/69
<i>amended</i> .....	...	59/70	Feb. 21/70
Vehicle Safety .....	...	226/68	July 13/68
<b>Homemakers and Nurses Services Act</b>			
General .....	236	...	...
<i>amended</i> .....	...	72/65	Mar. 27/65
<i>amended</i> .....	...	290/68	Aug. 24/68
<i>amended</i> .....	...	276/70	July 4/70
<i>amended</i> .....	...	437/70	Oct. 31/70
<i>amended</i> .....	...	533/70	Jan. 2/71
<b>Homes for Retarded Persons Act, 1966</b>			
General .....	...	62/68	Mar. 16/68
<i>amended</i> .....	...	118/68	April 13/68
<i>amended</i> .....	...	349/68	Oct. 19/68
<i>amended</i> .....	...	313/69	Aug. 16/69
<i>amended</i> .....	...	411/69	Nov. 8/69
<i>amended</i> .....	...	154/70	Apr. 18/70
<i>amended</i> .....	...	465/70	Nov. 21/70
<i>amended</i> .....	...	536/70	Jan. 2/71
<b>Homes for Special Care Act, 1964</b>			
General .....	...	261/64	Oct. 17/64
<i>amended</i> .....	...	104/65	May 15/65
<i>amended</i> .....	...	87/66	April 16/66
<i>amended</i> .....	...	135/66	May 21/66
<i>amended</i> .....	...	298/66	Oct. 8/66
<i>amended</i> .....	...	236/68	July 20/68
<i>amended</i> .....	...	397/68	Nov. 16/68
<i>amended</i> .....	...	76/69	Mar. 15/69
<i>amended</i> .....	...	88/70	Mar. 7/70
<i>amended</i> .....	...	173/70	May 9/70
<b>Homes for the Aged and Rest Homes Act</b>			
General .....	237	...	...
<i>amended</i> .....	...	185/61	July 3/61
<i>amended</i> .....	...	325/61	Oct. 21/61
<i>amended</i> .....	...	25/63	Feb. 16/63
<i>amended</i> .....	...	231/63	Aug. 31/63
<i>amended</i> .....	...	219/64	Sept. 5/64
<i>amended</i> .....	...	219/67	July 8/67
<i>amended</i> .....	...	221/69	June 14/69
<i>amended</i> .....	...	406/70	Oct. 3/70
<i>amended</i> .....	...	539/70	Jan. 2/71
<b>Hospital Labour Disputes Arbitration Act, 1965</b>			
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Rules of Procedure .....	...	90/65	April 24/65
<b>Hospital Services Commission Act</b>			
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General .....	...	1/67	Jan. 14/67
<i>amended</i> .....	...	121/67	April 15/67
<i>amended</i> .....	...	133/67	April 22/67
<i>amended</i> .....	...	187/67	May 27/67
<i>amended</i> .....	...	218/67	July 1/67
<i>amended</i> .....	...	229/67	July 8/67
<i>amended</i> .....	...	301/67	Sept. 2/67
<i>amended</i> .....	...	447/67	Dec. 30/67

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General—Continued			
amended.....	57/68	Mar. 16/68	
amended.....	137/68	April 20/68	
amended.....	149/68	May 4/68	
amended.....	199/68	June 15/68	
amended.....	231/68	July 13/68	
amended.....	260/68	Aug. 3/68	
amended.....	261/68	Aug. 3/68	
amended.....	262/68	Aug. 3/68	
amended.....	273/68	Aug. 10/68	
amended.....	351/68	Oct. 19/68	
amended.....	386/68	Nov. 9/68	
amended.....	407/68	Nov. 30/68	
amended.....	11/69	Jan. 25/69	
amended.....	37/69	Feb. 15/69	
amended.....	62/69	Mar. 8/69	
amended.....	89/69	Mar. 29/69	
amended.....	90/69	Mar. 29/69	
amended.....	112/69	April 5/69	
amended.....	204/69	June 7/69	
amended.....	299/69	Aug. 2/69	
amended.....	373/69	Sept. 20/69	
amended.....	135/70	Apr. 4/70	
amended.....	175/70	May 9/70	
amended.....	195/70	May 16/70	
amended.....	356/70	Aug. 29/70	
amended.....	370/70	Sept. 5/70	
amended.....	462/70	Nov. 21/70	
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<i>amended</i> .....		55/66	Mar. 12/66
<i>amended</i> .....		66/66	Mar. 26/66
<i>amended</i> .....		78/66	April 9/66
<i>amended</i> .....		99/66	April 23/66
<i>amended</i> .....		117/66	May 7/66
<i>amended</i> .....		140/66	May 21/66
<i>amended</i> .....		144/66	May 28/66
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<i>amended</i> .....		209/66	July 30/66
<i>amended</i> .....		337/66	Nov. 19/66
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<i>amended</i> .....		146/67	April 29/67
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<i>amended</i> .....		193/67	June 3/67
<i>amended</i> .....		195/67	June 10/67
<i>amended</i> .....		285/67	Aug. 12/67
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<i>amended</i> .....		18/68	Feb. 3/68
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<i>amended</i> .....		151/68	May 4/68
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	amended .....	210/69	June 7/69	
	amended .....	354/69	Sept. 13/69	
	amended .....	437/69	Nov. 15/69	
	amended .....	484/69	Dec. 20/69	
	amended .....	27/70	Jan. 31/70	
	amended .....	79/70	Feb. 28/70	
	amended .....	148/70	April 11/70	
	amended .....	174/70	May 9/70	
	amended .....	191/70	May 16/70	
	amended .....	414/70	Oct. 3/70	
	amended .....	467/70	Nov. 21/70	
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	amended .....	74/67	Mar. 11/67	
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	amended .....	305/68	Aug. 31/68	
	amended .....	380/68	Nov. 2/68	
	amended .....	436/68	Dec. 28/68	
	amended .....	31/69	Feb. 8/69	
	amended .....	367/69	Sept. 20/69	
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	amended .....	86/70	Mar. 7/70	
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<i>amended</i> .....	...	360/67	Oct. 28/67
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Marinas.....	...	261/70	June 27/70
Plumbing Code.....	471	.....	.....
<i>amended</i> .....	...	178/64	July 25/64
<i>amended</i> .....	...	246/66	Aug. 27/66
<i>amended</i> .....	...	221/67	July 8/67
<i>amended</i> .....	...	4/70	Jan. 17/70
<i>amended</i> .....	...	5/70	Jan. 17/70
Water Wells.....	...	46/69	Mar. 1/69
<b>Operating Engineers Act, 1965</b>			
General.....	...	196/69	May 31/69
<i>amended</i> .....	...	477/69	Dec. 13/69
<i>amended</i> .....	...	117/70	Mar. 21/70
<b>Ophthalmic Dispensers Act, 1960-61</b>			
General.....	...	248/65	Oct. 9/65
<b>Optometry Act, 1961-62</b>			
General.....	...	166/63	July 6/63
<i>amended</i> .....	...	316/65	Dec. 11/65
<i>amended</i> .....	...	299/66	Oct. 8/66
<b>P</b>			
<b>Parks Assistance Act</b>			
General.....	475	.....	.....
<i>amended</i> .....	...	331/67	Sept. 30/67
<b>Partnerships Registration Act</b>			
General.....	...	422/69	Nov. 8/69
<b>Penal and Reform Institutions Inspection Act</b>			
Conduct Record in Reformatories.....	478	.....	.....
<i>amended</i> .....	...	319/64	Dec. 12/64
<i>amended</i> .....	...	402/67	Nov. 25/67
<b>Pension Benefits Act, 1965</b>			
General.....	...	103/66	April 23/66
<i>amended</i> .....	...	148/67	April 29/67
<i>amended</i> .....	...	409/67	Dec. 2/67
<i>amended</i> .....	...	10/68	Jan. 27/68
<i>amended</i> .....	...	323/68	Sept. 21/68
<i>amended</i> .....	...	91/69	Mar. 29/69
<i>amended</i> .....	...	92/69	Mar. 29/69

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<b>Personal Property Security Act, 1967</b>			
Branch Offices.....	...	112/68	April 6/68
Fees concerning Security Agreements.....	...	543/70	Jan. 2/71
<b>Pesticides Act, 1967</b>			
General....	...	445/67	Dec. 30/67
<i>amended</i> .....	...	189/68	June 1/68
<i>amended</i> .....	...	139/69	April 26/69
<i>amended</i> .....	...	197/69	May 31/69
<i>amended</i> .....	...	340/69	Aug. 30/69
<i>amended</i> .....	...	386/69	Oct. 4/69
<i>amended</i> .....	...	68/70	Feb. 21/70
<b>Pharmacy Act</b>			
Labelling.....	...	256/68	July 27/68
Registration and Apprenticeship.....	480	...	...
<i>amended</i> .....	...	234/63	Sept. 7/63
<i>amended</i> .....	...	294/64	Nov. 14/64
<i>amended</i> .....	...	187/66	July 9/66
<i>amended</i> .....	...	222/68	July 6/68
<i>amended</i> .....	...	415/69	Nov. 8/69
Sale of Drugs.....	481	...	...
<i>amended</i> .....	...	304/61	Sept. 30/61
<i>amended</i> .....	...	312/66	Oct. 22/66
<i>amended</i> .....	...	255/68	July 27/68
<i>amended</i> .....	...	187/70	May 16/70
Schedules to the Act.....	...	254/68	July 27/68
(Sale of Drugs)	...	...	...
<i>amended</i> .....	...	238/70	June 6/70
Standards for Maintenance and Operation of Pharmacies.....	...	386/66	Dec. 31/66
<b>Planning Act</b>			
Restricted Areas			
Blind River.....	482	...	...
County of Bruce, Townships of—			
Albemarle.....	...	214/69	June 14/69
<i>amended</i> .....	...	335/69	Aug. 30/69
Culross.....	...	360/69	Sept. 13/69
Eastnor.....	...	443/69	Nov. 22/69
Elderslie.....	...	361/69	Sept. 13/69
Greenock.....	...	362/69	Sept. 13/69
Kinloss.....	...	363/69	Sept. 13/69
Lindsay.....	...	446/69	Nov. 22/69
St. Edmunds.....	...	445/69	Nov. 22/69
County of Durham, Townships of—			
Cartwright.....	...	84/67	Mar. 25/67
Cavan.....	...	51/69	Mar. 1/69
Manvers.....	...	83/67	Mar. 25/67
County of Essex, Townships of—			
South Colchester.....	...	357/69	Sept. 13/69
Tilbury North.....	...	358/69	Sept. 13/69
<i>amended</i> .....	...	462/69	Dec. 6/69
Tilbury West.....	...	365/69	Sept. 13/69
<i>amended</i> .....	...	461/69	Dec. 6/69
County of Glengarry, Township of Lancaster.....	...	267/69	July 12/69
<i>amended</i> .....	...	334/69	Aug. 30/69
County of Grey, Townships of—			
Artemesia.....	...	241/69	June 28/69
Bentinck.....	...	201/70	May 23/70
Glenelg.....	...	200/70	May 23/70
Holland.....	...	444/69	Nov. 22/69
Keppel.....	...	215/69	June 14/69
Normanby.....	...	202/70	May 23/70
Osprey.....	...	243/69	June 28/69

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<b>Planning Act—Continued</b>			
Restricted Areas—Continued			
Saint Vincent .....	442/69	Nov. 22/69	
Sarawak .....	217/69	June 14/69	
County of Haldimand, Townships of—			
Dunn .....	68/69	Mar. 15/69	
amended .....	490/69	Dec. 27/69	
County of Haliburton, Township of Cardiff .....	122/68	April 13/68	
amended .....	173/69	May 17/69	
County of Hastings, Townships of—			
Faraday .....	164/70	April 25/70	
Rawdon .....	199/70	May 23/70	
County of Kent, Township of Tilbury East .....	359/69	Sept. 13/69	
County of Lennox and Addington, Township of Camden East .....	130/69	April 19/69	
amended .....	193/69	May 31/69	
County of Northumberland, Townships of—			
Cramahe .....	398/69	Oct. 18/69	
Percy .....	399/69	Oct. 25/69	
South Monaghan .....	58/69	Mar. 8/69	
County of Peterborough, Townships of—			
Belmont and Methuen .....	438/69	Nov. 15/69	
amended .....	176/70	May 9/70	
Dummer .....	439/69	Nov. 15/69	
amended .....	198/70	May 23/70	
Ennismore .....	216/69	June 14/69	
County of Russell, Townships of—			
Clarence .....	265/69	July 12/69	
amended .....	332/69	Aug. 30/69	
Russell .....	266/69	July 12/69	
amended .....	333/69	Aug. 30/69	
County of Simcoe, Townships of—			
Medonte .....	63/69	Mar. 8/69	
Nottawasaga .....	118/69	April 12/69	
County of Victoria, Townships of—			
Bexley .....	2/70	Jan. 17/70	
Emily .....	242/69	June 28/69	
Verulam .....	244/69	June 28/69	
District of Algoma .....	21/66	Jan. 29/66	
District of Cochrane .....	319/65	Dec. 11/65	
District of Cochrane, Townships of—			
Casgrain, Hanlan, Kendall and Way .....	291/63	Nov. 9/63	
O'Brien, Owens, Teetzel and Williamson .....	185/63	July 13/63	
Teefy .....	389/67	Nov. 18/67	
District of Kenora .....	281/66	Sept. 24/66	
District of Kenora .....	355/68	Oct. 26/68	
District of Kenora .....	95/70	Mar. 7/70	
District of Kenora, Patricia Portion .....	296/69	Aug. 2/69	
amended .....	464/69	Dec. 6/69	
District of Kenora, Patricia Portion .....	331/69	Aug. 30/69	
amended .....	491/69	Dec. 27/69	
District of Kenora, Township of Machin .....	22/70	Jan. 31/70	
District of Manitoulin, Townships of—			
Barrie Island .....	508/69	Jan. 10/70	
Campbell .....	509/69	Jan. 10/70	
Carnarvon .....	510/69	Jan. 10/70	
Robinson .....	511/69	Jan. 10/70	
Tehkummah .....	512/69	Jan. 10/70	
District of Muskoka .....	256/67	July 29/67	
District of Muskoka, Townships of—			
Chaffey .....	229/69	June 14/69	
Franklin .....	230/69	June 14/69	

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Sinclair.....	232/69	June 14/69	
Stephenson.....	233/69	June 14/69	
District of Nipissing, Improvement District of			
Cameron.....	152/69	May 3/69	
District of Nipissing, Townships of—			
Commanda.....	186/63	July 13/63	
Strathy.....	20/68	Feb. 10/68	
District of Parry Sound.....	305/64	Nov. 21/64	
District of Parry Sound, Townships of—			
Bethune.....	228/69	June 14/69	
Blair, Harrison, and Shawanaga.....	364/69	Sept. 13/69	
District of Rainy River.....	50/69	Mar. 1/69	
District of Rainy River, Improvement District of			
Kingsford.....	155/69	May 3/69	
District of Sudbury.....	380/67	Nov. 11/67	
District of Sudbury.....	494/69	Jan. 3/70	
District of Sudbury, Improvement District of			
Renabie.....	154/69	May 3/69	
District of Sudbury, Townships of—			
Bowell, Lumsden and Wisner.....	294/68	Aug. 31/68	
Dryden.....	412/69	Nov. 8/69	
District of Thunder Bay.....	228/68	July 13/68	
District of Thunder Bay.....	136/70	April 4/70	
District of Thunder Bay, Improvement Districts of			
Beardmore, Manitouwadge, Nakina, Marathon			
and Red Rock.....	156/69	May 3/69	
District of Thunder Bay, Township of Booth.....	45/65	Feb. 20/65	
District of Timiskaming, Improvement District of			
Kingham.....	153/69	May 3/69	
Districts of Cochrane, Sudbury and Timiskaming.....	209/64	Aug. 22/64	
District of Nipissing and Timiskaming.....	32/65	Feb. 13/65	
<i>amended</i> .....	325/66	Nov. 5/66	
Improvement District of Temagami.....	343/68	Oct. 12/68	
<i>amended</i> .....	275/69	July 12/69	
<i>amended</i> .....	388/69	Oct. 4/69	
Kapuskasing.....	251/65	Oct. 16/65	
Kenricia.....	484		
Regional Areas of Ottawa-Carleton,			
Townships of—			
Fitzroy.....	261/69	July 12/69	
<i>amended</i> .....	376/69	Sept. 27/69	
Marlborough.....	262/69	July 12/69	
Teck Township, Englehart Area.....	153/62	June 30/62	
<i>amended</i> .....	8/64	Jan. 25/64	
Territorial Districts of—			
Nipissing.....	413/69	Nov. 8/69	
Parry Sound.....	414/69	Nov. 8/69	
White River.....	307/63	Nov. 30/63	
Rules of Procedure.....	287/70	July 11/70	
Subdivision Control.....	366/70	Sept. 5/70	
Zoning Orders—			
County of Essex, Township of Tilbury North.....	127/70	Mar. 28/70	
<i>amended</i> .....	445/70	Nov. 7/70	
<i>amended</i> .....	520/70	Dec. 26/70	
County of Simcoe, Township of Nottawasaga.....	81/70	Feb. 28/70	
<i>amended</i> .....	259/70	June 20/70	
<i>amended</i> .....	313/70	Aug. 1/70	
<i>amended</i> .....	369/70	Sept. 5/70	
<i>amended</i> .....	416/70	Oct. 3/70	
<i>amended</i> .....	505/70	Dec. 12/70	
District of Sudbury, Geographic Townships of			
Broder and Dill.....	355/70	Aug. 22/70	
<i>amended</i> .....	504/70	Dec. 12/70	

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<b>Plant Diseases Act</b>			
General.....	485	.....	.....
<i>amended</i> .....	.....	19/64	Feb. 1/64
<i>amended</i> .....	.....	250/70	June 20/70
<b>Police Act</b>			
Arbitration.....	.....	299/70	July 18/70
Equipment.....	.....	137/70	April 4/70
General.....	.....	451/69	Nov. 22/69
Responsibility of Policing.....	.....	168/70	May 2/70
<b>Power Commission Act</b>			
Conversion to Sixty Cycles.....	488	.....	.....
Electrical Safety Code.....	.....	441/69	Nov. 15/69
Fees.....	.....	287/67	Aug. 12/67
<i>amended</i> .....	.....	62/70	Feb. 21/70
Pension and Insurance Plan.....	.....	309/67	Sept. 9/67
<i>amended</i> .....	.....	347/67	Oct. 14/67
<i>amended</i> .....	.....	245/68	July 20/68
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<b>Prearranged Funeral Services Act, 1961-62</b>			
Trust Accounts.....	.....	146/62	June 23/62
<i>amended</i> .....	.....	270/62	Oct. 27/62
<i>amended</i> .....	.....	150/67	May 6/67
<i>amended</i> .....	.....	450/69	Nov. 22/69
<b>Pregnant Mare Urine Farms Act, 1968-69</b>			
General.....	.....	217/70	May 23/70
<b>Private Hospitals Act</b>			
General.....	494	.....	.....
<i>amended</i> .....	.....	159/62	July 7/62
<b>Private Investigators and Security Guards Act, 1965</b>			
General.....	.....	331/65	Dec. 25/65
<i>amended</i> .....	.....	195/66	July 16/66
<b>Professional Engineers Act</b>			
General.....	.....	449/69	Nov. 22/69
<b>Provincial Courts Act, 1968</b>			
General.....	.....	519/70	Dec. 26/70
Remuneration of Judges.....	.....	432/69	Nov. 8/69
<i>amended</i> .....	.....	94/70	Mar. 7/70
<b>Provincial Land Tax Act, 1961-62</b>			
General.....	.....	343/62	Jan. 5/63
<i>amended</i> .....	.....	233/63	Sept. 7/63
<i>amended</i> .....	.....	162/64	July 11/64
<i>amended</i> .....	.....	339/64	Jan. 9/65
<i>amended</i> .....	.....	190/67	June 3/67
<b>Provincial Parks Act</b>			
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<i>amended</i> .....	.....	73/63	April 6/63
<i>amended</i> .....	.....	117/63	June 1/63
<i>amended</i> .....	.....	151/63	June 29/63
<i>amended</i> .....	.....	206/63	Aug. 10/63
<i>amended</i> .....	.....	64/64	Mar. 21/64
<i>amended</i> .....	.....	110/64	May 23/64
<i>amended</i> .....	.....	161/64	July 11/64
<i>amended</i> .....	.....	183/64	July 25/64
<i>amended</i> .....	.....	205/64	Aug. 15/64

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amended	...	179/65	July 31/65
amended	...	346/65	Jan. 8/66
amended	...	343/66	Nov. 26/66
amended	...	388/66	Dec. 31/66
amended	...	245/67	July 22/67
amended	...	358/67	Oct. 21/67
amended	...	26/68	Feb. 17/68
amended	...	320/68	Sept. 14/68
amended	...	362/68	Oct. 26/68
amended	...	86/69	Mar. 29/69
amended	...	245/69	July 5/69
amended	...	474/69	Dec. 13/69
amended	...	165/70	May 2/70
amended	...	183/70	May 16/70
amended	...	290/70	July 11/70
General	...	61/70	Feb. 21/70
amended	...	376/70	Sept. 12/70
Guides in Quetico Provincial Park	...	99/62	May 12/62
<b>Psychologists Registration Act</b>			
General	501		
amended	...	89/62	April 21/62
amended	...	2/67	Jan. 14/67
<b>Public Commercial Vehicles Act</b>			
Carrying Goods in Bond	502		
amended	...	333/62	Dec. 22/62
amended	...	70/65	Mar. 27/65
amended	...	146/69	May 3/69
General	503		
amended	...	215/61	July 3/61
amended	...	366/61	Dec. 9/61
amended	...	263/62	Oct. 20/62
amended	...	331/62	Dec. 22/62
amended	...	57/63	Mar. 16/63
amended	...	162/66	June 11/66
amended	...	371/66	Dec. 10/66
amended	...	451/67	Jan. 6/68
amended	...	340/68	Oct. 12/68
amended	...	415/68	Dec. 7/68
amended	...	438/70	Nov. 7/70
<b>Public Health Act</b>			
Camps in Unorganized Territory	504		
amended	...	333/65	Dec. 25/65
amended	...	185/67	May 27/67
Capital Grants for Community Health Facilities	...	487/69	Dec. 27/69
amended	...	326/70	Aug. 8/70
Communicable Diseases	505		
amended	...	147/62	June 30/62
Community Health Services	...	278/62	Nov. 3/62
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Food Premises	...	398/67	Nov. 25/67
amended	...	135/68	April 20/68
amended	...	1/69	Jan. 18/69
Frosted-Food Locker Plants	507		
Grants	508		
amended	...	86/67	Mar. 25/67
amended	...	304/69	Aug. 9/69
amended	...	87/70	Mar. 7/70
Grants to Boards of Health	...	405/67	Dec. 2/67
amended	...	205/69	June 7/69

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Areas that may be Included in Health Units. . . . .		509		
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amended. . . . .			58/62	Mar. 10/62
amended. . . . .			47/63	Mar. 9/63
amended. . . . .			23/64	Feb. 15/64
amended. . . . .			282/64	Oct. 24/64
amended. . . . .			34/65	Feb. 13/65
amended. . . . .			157/65	July 3/65
amended. . . . .			231/65	Sept. 25/65
amended. . . . .			72/67	Mar. 11/67
amended. . . . .			181/67	May 27/67
amended. . . . .			424/67	Dec. 16/67
amended. . . . .			11/68	Jan. 27/68
amended. . . . .			141/69	April 26/69
amended. . . . .			70/70	Feb. 21/70
amended. . . . .			327/70	Aug. 8/70
amended. . . . .			368/70	Sept. 5/70
General. . . . .		510		
amended. . . . .			305/63	Nov. 30/63
amended. . . . .			262/64	Oct. 17/64
amended. . . . .			235/65	Oct. 2/65
amended. . . . .			74/66	April 2/66
amended. . . . .			88/66	April 16/66
amended. . . . .			179/66	July 2/66
amended. . . . .			188/66	July 9/66
amended. . . . .			274/66	Sept. 17/66
amended. . . . .			69/67	Mar. 4/67
amended. . . . .			119/67	April 15/67
amended. . . . .			184/67	May 27/67
amended. . . . .			205/67	June 10/67
amended. . . . .			252/67	July 29/67
amended. . . . .			387/67	Nov. 18/67
amended. . . . .			406/67	Dec. 2/67
amended. . . . .			99/68	Mar. 30/68
amended. . . . .			109/68	April 6/68
amended. . . . .			155/68	May 11/68
amended. . . . .			198/68	June 15/68
amended. . . . .			224/68	July 6/68
amended. . . . .			234/68	July 20/68
amended. . . . .			235/68	July 20/68
amended. . . . .			276/68	Aug. 10/68
amended. . . . .			314/68	Sept. 7/68
amended. . . . .			409/68	Nov. 30/68
amended. . . . .			2/69	Jan. 18/69
amended. . . . .			75/69	Mar. 15/69
amended. . . . .			131/69	April 19/69
amended. . . . .			164/69	May 10/69
amended. . . . .			223/69	June 14/69
amended. . . . .			350/69	Sept. 6/69
amended. . . . .			23/70	Jan. 31/70
amended. . . . .			24/70	Jan. 31/70
amended. . . . .			69/70	Feb. 21/70
amended. . . . .			286/70	July 11/70
amended. . . . .			348/70	Aug. 22/70
amended. . . . .			349/70	Aug. 22/70
Indigent Patients. . . . .			283/64	Oct. 24/64
Pasteurization Areas. . . . .		512		
Pasteurization Plants. . . . .		513		
amended. . . . .			218/61	July 3/61
amended. . . . .			394/66	Jan. 7/67
Plumbing in Unorganized Territory. . . . .		514		

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<i>amended</i> .....		450/67	Jan. 6/68
<i>amended</i> .....		213/68	June 29/68
<i>amended</i> .....		358/68	Oct. 26/68
Qualifications of Medical Officers of Health, Sanitary Inspectors and Public Health Nurses.....	515	.....	.....
<i>amended</i> .....		31/63	Feb. 16/63
Sanitary Code for Unorganized Territory.....		277/62	Nov. 3/62
<i>amended</i> .....		118/64	June 13/64
Slaughter-Houses and Meat Processing Plants.....	516	.....	.....
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<b>Public Hospitals Act</b>			
Capital Financial Assistance for Hospital Construction and Renovation.....		302/66	Oct. 8/66
<i>amended</i> .....		81/68	Mar. 23/68
<i>amended</i> .....		303/68	Aug. 31/68
Capital Grants for Ambulance Facilities.....		335/68	Oct. 5/68
Capital Grants for Regional Rehabilitation Hospitals.....		283/67	Aug. 12/67
Capital Grants for Teaching Hospitals.....		213/67	June 24/67
Classification of Hospitals.....		364/67	Oct. 28/67
<i>amended</i> .....		6/68	Jan. 20/68
<i>amended</i> .....		100/68	Mar. 30/68
<i>amended</i> .....		126/68	April 13/68
<i>amended</i> .....		174/68	May 25/68
<i>amended</i> .....		200/68	June 15/68
<i>amended</i> .....		264/68	Aug. 3/68
<i>amended</i> .....		421/68	Dec. 21/68
<i>amended</i> .....		38/69	Feb. 15/69
<i>amended</i> .....		203/69	June 7/69
<i>amended</i> .....		295/69	July 26/69
<i>amended</i> .....		374/69	Sept. 20/69
<i>amended</i> .....		20/70	Jan. 24/70
<i>amended</i> .....		80/70	Feb. 28/70
<i>amended</i> .....		194/70	May 16/70
Grants			
Capital.....		308/63	Nov. 30/63
<i>amended</i> .....		203/64	Aug. 15/64
<i>amended</i> .....		231/64	Sept. 19/64
<i>amended</i> .....		112/65	May 22/65
<i>amended</i> .....		56/68	Mar. 16/68
<i>amended</i> .....		237/70	June 6/70
Maintenance.....		131/70	Mar. 28/70
Special.....		132/70	Mar. 28/70
Special.....		247/70	June 13/70
Special Capital.....		103/67	April 8/67
Special Capital.....		129/69	April 19/69
Hospital Management.....	523	.....	.....
<i>amended</i> .....		102/66	April 23/66
<i>amended</i> .....		282/67	Aug. 12/67
<i>amended</i> .....		263/68	Aug. 3/68
<i>amended</i> .....		304/68	Aug. 31/68
<i>amended</i> .....		190/69	May 24/69
<i>amended</i> .....		440/69	Nov. 15/69
<i>amended</i> .....		248/70	June 13/70
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Hunting by Aircraft.....		268/63	Oct. 26/63
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District of Cochrane.....		84/62	April 21/62

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Restricted Areas—Continued			
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Devitt, Eilber, McCowan, Barker, McCrea and Idington.....		137/67	April 22/67
Fournier, Lamarche, Clute and Hanna.....		12/70	Jan. 17/70
District of Kenora.....		145/63	June 22/63
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District of Rainy River.....		379/70	Sept. 12/70
District of Sudbury.....		275/67	Aug. 12/67
District of Sudbury, Townships of—			
Cochrane, Chapleau, Gallagher, Panet, Tp. 28 and Tp. 29.....		53/69	Mar. 1/69
Wakami and Tp. 22.....		430/67	Dec. 23/67
District of Thunder Bay.....		90/62	April 28/62
District of Thunder Bay.....		455/70	Nov. 14/70
District of Thunder Bay, Townships of Blackwell, Conacher, Forbes, Goldie, Hagey, Haines, Laurie and the Dawson Road Lots.....		200/69	May 31/69
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amended.....		370/61	Dec. 16/61
amended.....		66/62	Mar. 24/62
amended.....		214/63	Aug. 31/63
amended.....		208/66	July 23/66
amended.....		87/69	Mar. 29/69
amended.....		218/69	June 14/69
amended.....		447/69	Nov. 22/69
amended.....		113/70	Mar. 21/70
amended.....		517/70	Dec. 26/70
<b>Public Libraries Act, 1966</b>			
General.....		56/67	Feb. 18/67
amended.....		286/68	Aug. 17/68
amended.....		163/69	May 10/69
amended.....		298/70	July 18/70
<b>Public Service Act, 1961-62</b>			
General.....		190/62	Aug. 11/62
amended.....		15/63	Feb. 9/63
amended.....		176/63	July 13/63
amended.....		252/63	Sept. 28/63
amended.....		260/63	Oct. 19/63
amended.....		15/64	Feb. 1/64
amended.....		167/64	July 11/64
amended.....		207/64	Aug. 22/64
amended.....		244/64	Oct. 3/64
amended.....		308/64	Nov. 28/64
amended.....		93/65	May 1/65
amended.....		247/65	Oct. 9/65
amended.....		302/65	Nov. 20/65
amended.....		2/66	Jan. 15/66
amended.....		3/66	Jan. 15/66
amended.....		14/66	Jan. 29/66
amended.....		75/66	April 2/66
amended.....		121/66	May 7/66
amended.....		192/66	July 16/66
amended.....		258/66	Sept. 3/66
amended.....		270/66	Sept. 17/66
amended.....		356/66	Dec. 3/66

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amended . . . . .	281/67	Aug. 12/67	
amended . . . . .	388/67	Nov. 18/67	
amended . . . . .	457/67	Jan. 6/68	
amended . . . . .	74/68	Mar. 16/68	
amended . . . . .	75/68	Mar. 16/68	
amended . . . . .	331/68	Oct. 5/68	
amended . . . . .	332/68	Oct. 5/68	
amended . . . . .	402/68	Nov. 23/68	
amended . . . . .	225/69	June 14/69	
amended . . . . .	272/69	July 12/69	
amended . . . . .	282/69	July 26/69	
amended . . . . .	324/69	Aug. 23/69	
amended . . . . .	403/69	Oct. 25/69	
amended . . . . .	436/69	Nov. 15/69	
amended . . . . .	16/70	Jan. 24/70	
amended . . . . .	17/70	Jan. 24/70	
amended . . . . .	84/70	Mar. 7/70	
amended . . . . .	167/70	May 2/70	
amended . . . . .	215/70	May 23/70	
amended . . . . .	258/70	June 20/70	
amended . . . . .	289/70	July 11/70	
amended . . . . .	347/70	Aug. 22/70	
amended . . . . .	380/70	Sept. 12/70	
amended . . . . .	418/70	Oct. 10/70	
amended . . . . .	427/70	Oct. 24/70	
amended . . . . .	459/70	Nov. 21/70	
amended . . . . .	460/70	Nov. 21/70	
amended . . . . .	479/70	Dec. 5/70	
amended . . . . .	514/70	Dec. 19/70	
amended . . . . .	545/70	Jan. 2/71	
Joint Council . . . . .	172/66	June 25/66	
Joint Council . . . . .	286/66	Sept. 24/66	
Joint Council . . . . .	155/67	May 6/67	
Joint Council . . . . .	342/67	Oct. 14/67	
Joint Council . . . . .	293/69	July 26/69	
Joint Council . . . . .	389/69	Oct. 11/69	
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Stand-by, Ontario Provincial Police Force . . . . .	352/69	Sept. 13/69	
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amended . . . . .	154/63	June 29/63	
amended . . . . .	69/65	Mar. 27/65	
amended . . . . .	294/66	Oct. 1/66	
<b>Public Trustee Act</b>			
General . . . . .	529	.....	
amended . . . . .	223/61	July 3/61	
amended . . . . .	59/65	Mar. 20/65	
amended . . . . .	223/66	July 30/66	
amended . . . . .	248/68	July 20/68	
<b>Public Vehicles Act</b>			
General . . . . .	530	.....	
amended . . . . .	224/61	July 3/61	
amended . . . . .	261/62	Oct. 20/62	
amended . . . . .	332/62	Dec. 22/62	
amended . . . . .	105/64	May 23/64	
amended . . . . .	141/64	June 27/64	

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Notice of Claim .....	...	252/64	Oct. 10/64
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<b>R</b>			
<b>Race Tracks Tax Act</b>			
Rate of Tax .....	531	...	...
<i>amended</i> .....	...	241/70	June 6/70
<i>amended</i> .....	...	450/70	Nov. 7/70
<b>Radiological Technicians Act, 1962-63</b>			
General .....	...	185/64	Aug. 1/64
<i>amended</i> .....	...	423/67	Dec. 16/67
<i>amended</i> .....	...	423/68	Dec. 21/68
<i>amended</i> .....	...	185/70	May 16/70
<b>Railway Fire Charge Act</b>			
Charges for Fire Protection .....	532	...	...
<i>amended</i> .....	...	411/68	Dec. 7/68
<b>Real Estate and Business Brokers Act</b>			
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Application of Act .....	535	...	...
<i>amended</i> .....	...	225/61	July 3/61
<b>Reciprocal Enforcement of Maintenance Orders Act</b>			
Reciprocating States .....	536	...	...
<i>amended</i> .....	...	247/68	July 20/68
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<i>amended</i> .....	...	76/68	Mar. 16/68
<b>Regional Municipality of Niagara Act, 1968-69</b>			
Financial Adjustments .....	...	397/70	Sept. 26/70
Order of the Minister .....	...	280/69	July 19/69
<i>amended</i> .....	...	300/69	Aug. 9/69
<i>amended</i> .....	...	370/69	Sept. 20/69
Order of the Minister .....	...	353/69	Sept. 13/69
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Appointment of Clerk, Treasurer, Engineer or Auditor .....	...	453/70	Nov. 14/70
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<i>amended</i> .....	...	390/70	Sept. 19/70
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Canada Lands .....	...	125/67	April 22/67
<i>amended</i> .....	...	424/69	Nov. 8/69
Corporations Exempted under Section 53 of the Act .....	...	425/69	Nov. 8/69
<i>amended</i> .....	...	112/70	Mar. 14/70
Fees .....	...	49/64	Mar. 7/64
<i>amended</i> .....	...	159/64	July 4/64
<i>amended</i> .....	...	71/66	April 2/66
<i>amended</i> .....	...	317/66	Oct. 29/66
<i>amended</i> .....	...	347/66	Nov. 26/66
<i>amended</i> .....	...	50/68	Mar. 9/68
<i>amended</i> .....	...	201/68	June 15/68

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amended .....		188/69	May 24/69
amended .....		431/69	Nov. 8/69
Forms and Records .....		157/64	July 4/64
amended .....		361/66	Dec. 3/66
amended .....		180/68	May 25/68
amended .....		426/69	Nov. 8/69
amended .....		429/69	Nov. 8/69
amended .....		502/69	Jan. 3/70
amended .....		28/70	Feb. 7/70
amended .....		512/70	Dec. 19/70
Microfilming of Registry Records .....		158/64	July 4/64
amended .....		149/65	June 26/65
amended .....		362/66	Dec. 3/66
amended .....		439/67	Dec. 23/67
amended .....		430/69	Nov. 8/69
amended .....		90/70	Mar. 7/70
Registry Divisions .....		4/65	Jan. 23/65
amended .....		105/65	May 15/65
amended .....		350/65	Jan. 8/66
amended .....		70/66	April 2/66
amended .....		112/66	April 30/66
amended .....		211/66	July 30/66
amended .....		348/66	Nov. 26/66
amended .....		357/67	Oct. 21/67
amended .....		372/67	Nov. 4/67
amended .....		381/68	Nov. 2/68
amended .....		423/69	Nov. 8/69
amended .....		260/70	June 20/70
amended .....		472/70	Nov. 28/70
amended .....		542/70	Jan. 2/71
amended .....		551/70	Jan. 9/71
Surveys, Plans and Descriptions of Land .....		139/67	April 22/67
amended .....		243/67	July 15/67
amended .....		179/68	May 25/68
amended .....		109/70	Mar. 14/70
amended .....		550/70	Jan. 9/71
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Reduction in Rent to Tenants .....		401/70	Sept. 26/70
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City of Thunder Bay .....		249/70	June 13/70
The Regional Municipality of Niagara .....		281/70	July 4/70
Township of Torbolton .....		461/70	Nov. 21/70
Townships of Neebing and Shuniah and Improve-			
ment District of Ear Falls .....		384/70	Sept. 12/70
<b>Retail Sales Tax Act, 1960-61</b>			
Definitions by Minister .....		231/66	Aug. 6/66
amended .....		338/67	Oct. 7/67
amended .....		207/69	June 7/69
amended .....		209/70	May 23/70
amended .....		246/70	June 13/70
General .....		232/61	July 8/61
amended .....		54/62	Mar. 10/62
amended .....		304/62	Dec. 1/62
amended .....		320/62	Dec. 15/62
amended .....		59/63	Mar. 23/63
amended .....		243/63	Sept. 14/63
amended .....		230/66	Aug. 6/66

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amended.....	...	124/67	April 15/67
amended.....	...	327/67	Sept. 23/67
amended.....	...	113/69	April 12/69
amended.....	...	206/69	June 7/69
amended.....	...	467/69	Dec. 6/69
amended.....	...	141/70	April 11/70
amended.....	...	210/70	May 23/70
amended.....	...	256/70	June 20/70
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Highway Vested in The Commission.....	...	305/70	July 18/70
Parks.....	...	163/68	May 18/68
amended.....	...	125/70	Mar. 28/70
<b>Sanatoria for Consumptives Act</b>			
General.....	542	.....	.....
amended.....	...	208/62	Sept. 1/62
amended.....	...	142/63	June 15/63
amended.....	...	271/63	Oct. 26/63
amended.....	...	119/64	June 13/64
amended.....	...	237/64	Sept. 26/64
amended.....	...	133/66	May 14/66
amended.....	...	180/66	July 2/66
amended.....	...	18/67	Jan. 28/67
amended.....	...	132/67	April 22/67
amended.....	...	66/68	May 9/68
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<b>Secondary Schools and Boards of Education Act</b>			
Apportionment 1970 Requisitions.....	...	57/70	Feb. 14/70
amended.....	...	108/70	Mar. 14/70
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amended.....	...	320/69	Aug. 23/69
amended.....	...	13/70	Jan. 24/70
amended.....	...	15/70	Jan. 24/70
amended.....	...	155/70	April 18/70
amended.....	...	350/70	Aug. 22/70
amended.....	...	351/70	Aug. 22/70
amended.....	...	352/70	Aug. 22/70
amended.....	...	353/70	Aug. 22/70
amended.....	...	354/70	Aug. 22/70
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General.....	...	101/67	April 1/67
amended.....	...	55/68	Mar. 16/68
amended.....	...	223/68	July 6/68
amended.....	...	395/68	Nov. 16/68

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amended .....	85/70	Mar. 7/70	
amended .....	208/70	May 23/70	
amended .....	269/70	June 27/70	
amended .....	385/70	Sept. 12/70	
amended .....	489/70	Dec. 5/70	
<b>Security Transfer Tax Act</b>			
General .....	544		
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General .....	545		
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amended .....	283/70	July 11/70	
amended .....	554/70	Jan. 9/71	
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amended .....	276/61	Aug. 19/61	
amended .....	298/61	Sept. 23/61	
amended .....	8/62	Jan. 20/62	
amended .....	236/62	Oct. 6/62	
amended .....	316/62	Dec. 15/62	
amended .....	106/63	May 11/63	
amended .....	173/63	July 13/63	

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General—Continued			
amended	281/63	Nov. 2/63	
amended	70/64	April 11/64	
amended	131/64	June 20/64	
amended	132/64	June 20/64	
amended	240/64	Sept. 26/64	
amended	30/65	Feb. 6/65	
amended	91/65	May 1/65	
amended	123/65	May 29/65	
amended	241/65	Oct. 2/65	
amended	269/66	Sept. 10/66	
amended	385/66	Dec. 31/66	
amended	32/67	Feb. 11/67	
amended	179/67	May 27/67	
amended	317/67	Sept. 16/67	
amended	311/68	Sept. 7/68	
amended	312/68	Sept. 7/68	
amended	460/69	Dec. 6/69	
amended	331/70	Aug. 8/70	
amended	415/70	Oct. 3/70	
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General	554		
amended	140/63	June 15/63	
amended	259/65	Oct. 23/65	
amended	291/68	Aug. 24/68	
amended	30/69	Feb. 8/69	
<b>Tobacco Tax Act, 1965</b>			
General	318/65	Dec. 11/65	
amended	162/68	May 18/68	
amended	240/70	June 6/70	
<b>Toll Bridges Act</b>			
General	282/63	Nov. 2/63	
amended	239/64	Sept. 26/64	
<b>Trade Schools Regulation Act</b>			
General	160/69	May 10/69	
amended	457/69	Dec. 6/69	
amended	464/70	Nov. 21/70	
<b>Training Schools Act, 1965</b>			
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<b>Trench Excavators' Protection Act</b>			
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<b>Upholstered and Stuffed Articles Act, 1968</b>			
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amended	383/69	Oct. 4/69	
amended	184/70	May 16/70	
amended	503/70	Dec. 12/70	
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General	3/65	Jan. 23/65	
amended	222/66	July 30/66	
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<i>amended</i> .....	.....	185/62	Aug. 4/62
<i>amended</i> .....	.....	186/62	Aug. 4/62
<i>amended</i> .....	.....	128/63	June 8/63
<i>amended</i> .....	.....	209/63	Aug. 17/63
<i>amended</i> .....	.....	324/63	Dec. 14/63
<i>amended</i> .....	.....	4/64	Jan. 25/64
<i>amended</i> .....	.....	312/65	Dec. 4/65
<i>amended</i> .....	.....	359/67	Oct. 28/67
<i>amended</i> .....	.....	431/68	Dec. 28/68
<i>amended</i> .....	.....	124/70	Mar. 28/70
<i>amended</i> .....	.....	304/70	July 18/70
<i>amended</i> .....	.....	457/70	Nov. 14/70
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General.....	.....	64/68	Mar. 16/68
<i>amended</i> .....	.....	122/69	April 12/69
<i>amended</i> .....	.....	356/69	Sept. 16/69
<i>amended</i> .....	.....	505/69	Jan. 3/70
<i>amended</i> .....	.....	188/70	May 16/70
<i>amended</i> .....	.....	444/70	Nov. 7/70
<i>amended</i> .....	.....	540/70	Jan. 2/71
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<i>amended</i> .....	.....	203/63	Aug. 3/63
<i>amended</i> .....	.....	269/67	Aug. 5/67
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Warble Fly Control Act			
General.....	564	.....	.....
<i>amended</i> .....	.....	60/65	Mar. 20/65
<i>amended</i> .....	.....	46/67	Feb. 18/67
<i>amended</i> .....	.....	420/70	Oct. 17/70
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General.....	565	.....	.....
<i>amended</i> .....	.....	170/63	July 6/63
<i>amended</i> .....	.....	112/64	May 30/64
<i>amended</i> .....	.....	288/64	Oct. 31/64
<i>amended</i> .....	.....	61/65	Mar. 20/65
<i>amended</i> .....	.....	185/65	July 31/65
<i>amended</i> .....	.....	3/68	Jan. 13/68
<i>amended</i> .....	.....	60/69	Mar. 8/69
<i>amended</i> .....	.....	290/69	July 26/69
<i>amended</i> .....	.....	421/70	Oct. 17/70
Welfare Units Act			
General.....	566	.....	.....

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Wild Rice Harvesting Act</b>			
General.....	568	.....	.....
<b>Wilderness Areas Act</b>			
Wilderness Areas.....	567	.....	.....
<i>amended</i> .....	.....	268/61	Aug. 5/61
<i>amended</i> .....	.....	35/62	Feb. 17/62
<i>amended</i> .....	.....	89/64	May 2/64
<i>amended</i> .....	.....	229/64	Sept. 12/64
<i>amended</i> .....	.....	259/64	Oct. 17/64
<i>amended</i> .....	.....	178/65	July 31/65
<i>amended</i> .....	.....	30/66	Feb. 12/66
<i>amended</i> .....	.....	361/68	Oct. 26/68
<b>Wolf and Bear Bounty Act</b>			
Bounties.....	569	.....	.....
<i>amended</i> .....	.....	265/61	Aug. 5/61
<i>amended</i> .....	.....	250/68	July 20/68
Wolves or Bears in Captivity.....	570	.....	.....
<b>Women's Equal Employment Opportunity Act, 1970</b>			
Forms.....	...	478/70	Dec. 5/70
<b>Woodlands Improvement Act, 1966</b>			
General.....	...	244/66	Aug. 13/66
<i>amended</i> .....	...	395/67	Nov. 25/67
<i>amended</i> .....	...	383/68	Nov. 2/68
<i>amended</i> .....	...	44/69	Feb. 22/69
<i>amended</i> .....	...	182/70	May 16/70
<b>Workmen's Compensation Act</b>			
First-Aid Requirements.....	...	329/69	Aug. 30/69
General.....	571	.....	.....
<i>amended</i> .....	.....	230/61	July 3/61
<i>amended</i> .....	.....	379/61	Dec. 23/61
<i>amended</i> .....	.....	328/62	Dec. 22/62
<i>amended</i> .....	.....	45/63	Mar. 9/63
<i>amended</i> .....	.....	347/63	Jan. 4/64
<i>amended</i> .....	.....	16/65	Jan. 30/65
<i>amended</i> .....	.....	176/65	July 24/65
<i>amended</i> .....	.....	219/65	Sept. 18/65
<i>amended</i> .....	.....	299/65	Nov. 20/65
<i>amended</i> .....	.....	335/65	Dec. 25/65
<i>amended</i> .....	.....	340/65	Jan. 1/66
<i>amended</i> .....	.....	6/67	Jan. 21/67
<i>amended</i> .....	.....	448/67	Dec. 30/67
<i>amended</i> .....	.....	404/68	Nov. 23/68
<i>amended</i> .....	.....	328/69	Aug. 30/69
<i>amended</i> .....	.....	330/69	Aug. 30/69
Pension Plan.....	.....	115/66	April 30/66
<i>amended</i> .....	.....	78/67	Mar. 11/67

## PART II

Showing the Regulations contained in Revised Regulations of Ontario, 1960 and subsequent Regulations filed to the 31st day of December, 1970, that have been revoked, are revoking only or have expired.

R.R.O. 1960 Regulations	Disposition	R.R.O. 1960 Regulations	Disposition
3	See S.O. 1961-62, c. 42, s. 20	106	Rev. 137/62
7	See S.O. 1965, c. 2, s. 18	109	Rev. 100/63
8	Rev. 310/68	111	Rev. 260/65
9	Rev. 345/69	113	Rev. 293/61
10	Rev. 158/63	124	Rev. 377/61
11	Rev. 268/64	127	Rev. 110/70
12	Rev. 264/64	128	Rev. 4/66
13	Rev. 264/64	131	Rev. 156/61
14	Rev. 277/64	132	Rev. 334/64
15	Rev. 270/64	134	Rev. 196/64
16	Rev. 270/64	135	See S.O. 1961-62, c. 93, s. 19
17	Rev. 279/64	136	See S.O. 1961-62, c. 93, s. 19
18	Rev. 272/64	144	Rev. 483/69
19	Rev. 272/64	145	Rev. 232/66
20	Rev. 273/64	149	Rev. 229/68
21	Rev. 278/64	150	Rev. 50/66
22	Rev. 278/64	153	Rev. 97/67
23	Rev. 274/64	156	Rev. 110/66
24	Rev. 274/64	157	Rev. 174/66
25	Rev. 276/64	164	Rev. 98/67
26	Rev. 276/64	180	See S.O. 1961-62, c. 93, s. 19
30	Rev. 26/64	181	See S.O. 1964, c. 32, s. 1
31	Rev. 104/67	184	Rev. 119/69
33	Rev. 26/67	186	Rev. 319/63
34	See S.O. 1960-61, c. 5, s. 17	187	Rev. 152/63
40	Rev. 111/62	188	Rev. 22/65
41	Rev. 329/65	189	Rev. 46/65
43	Rev. 338/65	190	Rev. 343/64
44	Rev. 339/65	191	Rev. 152/63
46	Rev. 133/61	192	Rev. 347/61
49	Rev. 297/64	193	Rev. 94/64
50	Rev. 271/65	194	Rev. 322/61
64	Rev. 384/61	195	Rev. 264/61
66	Rev. 221/66	196	Rev. 234/61
70	Rev. 297/67	197	Rev. 237/61
72	Rev. 283/63	198	Rev. 243/61
74	Rev. 332/65	199	Rev. 15/68
75	Rev. 63/66	200	Rev. 16/68
79	Rev. 258/61	201	Rev. 247/63
80	Rev. 123/64	203	Rev. 226/63
81	Rev. 340/66	204	Rev. 82/64
83	Rev. 143/61	205	Rev. 276/66
84	Rev. 142/61	207	Rev. 239/67
85	Rev. 416/67	210	Rev. 301/61
86	Rev. 175/64	211	Rev. 180/63
87	Rev. 395/69	220	Rev. 118/65
89	Rev. 20/66	221	Rev. 129/62
90	Rev. 28/63	225	Exp.
92	Rev. 19/66	228	Exp.
93	Rev. 313/68	235	Rev. 156/62
94	Rev. 387/69	238	Rev. 1/67
95	Rev. 280/63	240	Rev. 114/69
97	Rev. 142/61	241	Rev. 169/66
98	Rev. 341/66	247	Rev. 199/64
100	Rev. 396/69		
102	Rev. 199/65		

R.R.O. 1960 Regulations	Disposition	R.R.O. 1960 Regulations	Disposition
248	Rev. 417/68	389	Rev. 23/66
249	Rev. 434/67	397	Rev. 220/66
250	Rev. 428/67	401	Rev. 264/66
251	Rev. 326/67	402	Rev. 77/63
255	Rev. 42/68	405	Rev. 35/66
257	Rev. 193/62	407	Rev. 187/65
261	Rev. 284/68	415	Rev. 519/70
262	Rev. 142/67	416	Rev. 190/68
263	Rev. 188/61	417	Rev. 192/68
264	Rev. 47/62	418	Rev. 192/68
269	Rev. 226/64	419	Rev. 192/68
272	Rev. 61/63	421	See S.O. 1965, c. 72, s. 27
274	Rev. 27/67	422	Rev. 44/66
275	Rev. 310/62	423	Rev. 129/67
278	Rev. 18/63	424	See S.O. 1965, c. 72, s. 27
280	Rev. 189/61	425	Rev. 303/65
281	Rev. 193/61	429	See S.O. 1965, c. 72, s. 27
282	Rev. 116/70	430	Rev. 107/66
284	Rev. 190/61	431	Rev. 107/67
285	Rev. 136/65	435	Rev. 343/61
286	Rev. 366/67	436	Rev. 283/61
287	Rev. 403/67	437	Rev. 7/65
288	Rev. 10/63	438	Rev. 159/70
289	Rev. 341/62	439	Rev. 313/64
290	Rev. 191/61	443	Rev. 311/69
291	Rev. 60/67	448	Rev. 21/63
292	Rev. 367/67	450	Rev. 153/67
293	Rev. 192/61	452	Rev. 486/69
295	Rev. 41/68	453	Rev. 288/63
296	Rev. 339/61	454	Rev. 211/63
297	Rev. 444/67	455	Rev. 211/63
298	Rev. 411/67	456	Rev. 205/66
300	Rev. 116/65	460	Rev. 324/64
301	Rev. 48/62	462	Rev. 99/65
302	Rev. 412/67	467	Rev. 99/63
303	Rev. 19/68	469	Rev. 163/68
304	Rev. 426/67	472	Rev. 212/61
305	Rev. 497/70	473	Rev. 196/69
306	Rev. 134/65	474	Rev. 166/63
308	Rev. 40/68	476	Rev. 251/62
311	Rev. 364/61	477	Rev. 345/69
312	Rev. 226/64	479	Rev. 5/64
313	Rev. 212/69	483	Exp.
317	Rev. 115/65	486	Rev. 110/69
329	Rev. 62/62	487	Rev. 168/70
333	Rev. 137/65	489	Rev. 306/64
334	Rev. 220/64	490	Rev. 304/63
339	Rev. 194/61	491	Rev. 309/67
342	Rev. 255/61	495	Rev. 331/65
344	Rev. 195/61	496	Rev. 449/69
347	Rev. 220/64	497	Rev. 343/62
350	Rev. 183/65	499	Rev. 61/70
353	Rev. 204/64	500	See S.O. 1967, c. 78, s. 1
359	Rev. 169/62	506	Rev. 398/67
361	Rev. 309/61	511	Rev. 258/63
365	Rev. 443/67	517	Rev. 300/66
371	Rev. 135/65	519	Rev. 142/65
373	Rev. 199/61	520	Rev. 110/63
374	Rev. 182/65	521	Rev. 308/63
375	Rev. 142/69	522	Rev. 131/70
380	Rev. 49/62	525	Rev. 220/61
381	Rev. 200/61	526	Rev. 190/62
383	Rev. 315/65	527	Rev. 222/61
384	Rev. 220/64	533	Rev. 448/70
385	Rev. 220/64	534	Rev. 447/70
386	Rev. 220/64	537	Rev. 345/69
387	Rev. 220/64	538	Rev. 111/64

Ontario Regulations	Disposition	Ontario Regulations	Disposition
540	Rev. 26/65	245/61	Rev. 149/62
543	See S.O. 1966, c. 142	246/61	Rev. 211/63
	s. 147 (1)	247/61	Rev. 190/62
547	See S.O. 1966, c. 145, s. 1	248/61	Rev. 104/67
555	Rev. 282/63	249/61	Rev. 37/62
556	Rev. 200/65	250/61	Rev. 190/62
557	Rev. 160/69	251/61	Rev. 190/62
558	Rev. 25/70	253/61	Rev. 211/63
561	See S.O. 1961-62,	255/61	Rev. 265/64
	c. 42, s. 20	256/61	Rev. 110/63
572	Rev. 115/66	257/61	Rev. 115/68
1/61 to 129A/61	Rev. S.O. 1959,	258/61	Rev. 305/62
	c. 90, s. 5 (2)	262/61	Rev. 176/62
130/61	Rev. 104/67	264/61	Rev. 229/63
134/61	Rev. 297/64	267/61	Rev. 247/63
136/61	Rev. 253/64	269/61	Rev. 305/63
137/61	Rev. 339/62	270/61	Rev. 187/65
138/61	Rev. 429/67	271/61	Rev. 133/62
139/61	Rev. 322/64	273/61	Rev. 491/70
140/61	Rev. 327/63	274/61	Rev. 235/65
141/61	Rev. 297/67	275/61	Rev. 1/67
143/61	Rev. 37/62	278/61	Rev. 266/62
144/61	Rev. 416/67	279/61	Exp.
147/61	Rev. 199/65	280/61	Rev. 133/62
149/61	Rev. 260/65	281/61	Rev. 355/61
155/61	Rev. 41/65	282/61	Rev. 301/61
156/61	Rev. 325/64	283/61	Revkg.
157/61	Rev. 334/64	286/61	Revkg.
158/61	See S.O. 1961-62, c. 93, s. 19	287/61	Rev. 190/62
162/61	Rev. 229/68	288/61	Rev. 190/62
165/61	Rev. 349/61	289/61	Rev. 190/62
169/61	Rev. 318/68	290/61	See S.O. 1965, c. 72, s. 27
170/61	Revkg.	292/61	Rev. 119/62
171/61	Rev. 82/64	293/61	Rev. 81/69
172/61	Rev. 239/67	294/61	Rev. 39/64
174/61	Rev. 301/61	295/61	See S.O. 1965, c. 72, s. 27
179/61	Rev. 41/62	296/61	Rev. 76/67
186/61	Rev. 1/67	299/61	Exp.
192/61	Rev. 398/68	300/61	Rev. 133/62
202/61	Rev. 265/66	301/61	Rev. 359/66
206/61	Rev. 190/68	302/61	Exp.
207/61	Rev. 387/61	305/61	Rev. 22/65
210/61	Rev. 21/63	306/61	Rev. 229/63
211/61	Rev. 163/68	308/61	Rev. 190/62
212/61	Rev. 46/69	309/61	Rev. 29/66
213/61	Rev. 309/67	310/61	Rev. 224/67
214/61	Rev. 61/70	311/61	Rev. 305/63
217/61	Rev. 305/63	312/61	Revkg.
219/61	Rev. 110/63	314/61	Rev. 59/65
220/61	Rev. 14/65	317/61	Rev. 26/67
221/61	Rev. 190/62	319/61	Rev. 325/64
222/61	Rev. 190/62	320/61	Rev. 254/62
226/61	See S.O. 1961-62,	321/61	Rev. 259/62
	c. 124, s. 1	322/61	Rev. 286/63
227/61	Rev. 9/62	324/61	Rev. 2/63
228/61	See S.O. 1966,	326/61	Rev. 68/62
	c. 142, s. 147 (1)	327/61	Rev. 47/63
234/61	Rev. 133/62	331/61	Rev. 104/67
235/61	Exp.	333/61	Rev. 141/66
236/61	Exp.	334/61	Rev. 218/62
237/61	Rev. 176/62	341/61	See S.O. 1966,
238/61	Rev. 289/63		c. 142, s. 147 (1)
239/61	See S.O. 1966,	343/61	Rev. 125/64
	c. 142, s. 147 (1)	344/61	Rev. 276/63
242/61	Rev. 133/62	345/61	Rev. 226/63
243/61	Rev. 133/62	347/61	Revkg.
		351/61	Exp.

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352/61	Rev. 284/63	83/62	Rev. 325/64
355/61	Rev. 229/63	87/62	Rev. 82/64
362/61	Rev. 239/67	91/62	Rev. 13/63
365/61	Rev. 141/66	92/62	Exp.
367/61	Rev. 339/65	93/62	Rev. 1/67
368/61	Rev. 264/66	94/62	Rev. 110/63
372/61	Rev. 25/65	95/62	Rev. 313/62
375/61	Rev. 311/64	96/62	Rev. 294/62
376/61	Rev. 248/65	100/62	Rev. 359/66
378/61	Rev. 283/63	101/62	Rev. 305/63
380/61	Rev. 116/70	102/62	Rev. 211/63
381/61	Exp.	103/62	Rev. 491/70
382/61	Rev. 333/62	104/62	Exp.
383/61	Rev. 117/62	105/62	Rev. 127/63
385/61	Rev. 156/62	109/62	Rev. 94/67
387/61	Rev. 191/68	110/62	Rev. 116/63
388/61	Exp.	113/62	Rev. 110/63
		114/62	Rev. 230/66
4/62	Rev. 182/64	120/62	Rev. 339/65
5/62	Rev. 190/62	121/62	Rev. 190/68
6/62	Rev. 196/64	123/62	Rev. 61/70
7/62	Rev. 110/63	126/62	Rev. 328/69
9/62	See S.O. 1964, c. 103, s. 1.	127/62	Rev. 107/63
10/62	Rev. 416/67	131/62	Rev. 82/64
11/67	Exp.	132/62	Rev. 229/63
16/62	Rev. 309/67	133/62	Rev. 189/63
18/62	Rev. 206/68	134/62	Rev. 189/63
19/62	Rev. 226/63	135/62	See S.O. 1967, c. 78, s. 1
20/62	Rev. 82/64	136/62	Rev. 341/66
24/62	Rev. 325/64	138/62	Rev. 199/65
25/62	Rev. 22/65	139/62	Rev. 160/69
26/62	Rev. 1/67	142/62	Rev. 132/64
30/62	Rev. 13/63	144/62	Rev. 1/67
31/62	Rev. 61/64	148/62	Rev. 190/68
32/62	Rev. 5/65	150/62	Rev. 37/68
33/62	Rev. 160/69	152/62	Rev. 297/67
34/62	Rev. 416/67	154/62	Rev. 187/65
36/62	Rev. 247/63	156/62	Revkg.
37/62	Rev. 32/63	160/62	Rev. 190/62
40/62	Rev. 194/64	161/62	Exp.
43/62	Rev. 176/62	163/62	Exp.
47/62	Rev. 425/67	165/62	Rev. 189/63
48/62	Rev. 309/66	166/62	Rev. 128/65
49/62	Rev. 224/64	170/62	Rev. 269/69
50/62	Rev. 104/67	171/62	Rev. 247/64
51/62	Rev. 182/64	173/62	Rev. 170/63
53/62	Rev. 260/65	175/62	Rev. 239/67
55/62	Rev. 81/69	176/62	Rev. 249/63
56/62	Rev. 300/66	177/62	Rev. 113/69
57/62	Rev. 305/63	182/62	Rev. 274/64
59/62	See S.O. 1965, c. 72, s. 27	187/62	Rev. 222/67
60/62	See S.O. 1966, c. 142, s. 147 (1)	191/62	Rev. 160/65
		193/62	Rev. 51/67
61/62	Rev. 297/64	194/62	Rev. 264/66
62/62	Rev. 170/65	198/62	Rev. 339/65
63/62	Rev. 104/67	199/62	Rev. 1/67
67/62	Rev. 19/66	200/62	Rev. 304/63
68/62	Rev. 190/68	201/62	Rev. 260/65
69/62	Rev. 47/69	202/62	Rev. 265/66
71/62	Rev. 300/66	203/62	Rev. 491/70
72/62	Rev. 196/64	204/62	Rev. 22/65
73/62	Rev. 309/64	206/62	Rev. 93/67
75/62	Rev. 218/69	207/62	Rev. 192/68
76/62	Rev. 151/64	210/62	Rev. 199/65
78/62	Rev. 239/67	211/62	Rev. 102/66
79/62	Rev. 26/65	212/62	Rev. 309/67
81/62	Rev. 401/68	214/62	Rev. 236/63

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215/62	Rev. 240/63	340/62	Rev. 323/64
216/62	Rev. 348/69		
218/62	Revkg.	2/63	Rev. 305/63
219/62	Rev. 229/68	3/63	Rev. 104/67
220/62	Rev. 326/64	4/63	Rev. 359/66
221/62	Rev. 325/64	8/63	Rev. 350/63
222/62	Rev. 162/63	9/63	Revkg.
223/62	Rev. 110/63	11/63	Rev. 104/67
224/62	Rev. 1/67	13/63	Rev. 11/64
228/62	Rev. 366/67	17/63	Rev. 378/66
229/62	Rev. 184/65	18/63	Rev. 308/70
230/62	Rev. 246/64	19/63	Rev. 110/63
233/62	Rev. 189/63	20/63	Rev. 1/67
234/62	Exp.	24/63	Rev. 326/64
235/62	Rev. 189/63	26/63	Rev. 305/63
237/62	Rev. 276/66	27/63	Rev. 125/64
238/62	Rev. 230/66	29/63	Rev. 340/66
239/62	Rev. 230/66	32/63	Rev. 16/64
241/62	Rev. 341/69	35/63	Rev. 254/65
242/62	Rev. 249/63	36/63	Rev. 305/63
243/62	Rev. 41/63	37/63	Rev. 190/68
244/62	Rev. 168/70	38/63	Rev. 187/65
245/62	Rev. 168/70	39/63	Rev. 289/63
246/62	Rev. 271/65	40/63	Rev. 11/64
248/62	Rev. 97/68	42/63	Rev. 121/64
250/62	Rev. 18/65	44/63	Rev. 290/68
251/62	Rev. 368/69	46/63	Rev. 339/65
252/62	Rev. 345/69	48/63	Rev. 25/65
253/62	Rev. 153/67	50/63	Rev. 76/67
254/62	Rev. 211/65	51/63	Rev. 107/67
255/62	Rev. 163/67	52/63	Rev. 416/67
256/62	Rev. 286/63	55/63	Rev. 1/67
257/62	Rev. 22/65	56/63	Rev. 110/63
258/62	Rev. 162/63	58/63	Rev. 149/64
259/62	Rev. 285/63	61/63	Rev. 221/65
260/62	Rev. 280/63	64/63	Rev. 260/65
264/62	Rev. 107/69	65/63	Revkg.
267/62	Rev. 72/68	66/63	Rev. 46/65
268/62	Rev. 305/63	68/63	Rev. 305/63
269/62	Rev. 258/63	74/63	Rev. 244/64
272/62	Rev. 189/63	79/63	Rev. 199/65
274/62	Rev. 322/62	82/63	Rev. 46/65
275/62	Rev. 359/66	83/63	Rev. 71/65
279/62	Rev. 305/63	84/63	Rev. 24/65
280/62	Rev. 4/67	85/63	Exp.
283/62	Rev. 130/66	86/63	Rev. 190/68
285/62	Rev. 284/63	87/63	Rev. 230/66
288/62	Rev. 338/65	88/63	Rev. 182/64
289/62	Rev. 27/63	92/63	Rev. 191/68
290/62	Rev. 110/63	93/63	Rev. 190/68
291/62	Rev. 38/65	94/63	Rev. 306/63
292/62	Rev. 189/63	97/63	Exp.
295/62	Rev. 249/63	98/63	Exp.
297/62	Rev. 1/67	99/63	Rev. 329/70
299/62	Exp.	101/63	Rev. 305/63
300/62	Rev. 82/64	103/63	See S.O. 1966, c. 48, s. 1
305/62	Rev. 302/64	104/63	Rev. 119/69
309/62	Rev. 305/63	105/63	Rev. 1/67
315/62	Rev. 110/63	110/63	Rev. 364/67
319/62	Rev. 110/69	112/63	See S.O. 1966, c. 48, s. 1
321/62	Rev. 190/68	115/63	Rev. 185/67
323/62	Rev. 432/70	125/63	Rev. 53/64
326/62	Rev. 359/66	126/63	Rev. 226/63
327/62	Rev. 297/64	127/63	Rev. 82/64
334/62	Rev. 311/63	129/63	Rev. 5/64
336/62	Rev. 342/65	130/63	Rev. 87/68
338/62	Rev. 399/68	131/63	Rev. 26/65

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133/63	Rev. 6/65	273/63	Rev. 177/64
134/63	Rev. 38/66	275/63	Rev. 329/65
135/63	Rev. 6/65	276/63	Rev. 99/65
136/63	Rev. 7/65	277/63	Rev. 62/68
137/63	Revkg.	278/63	Rev. 297/64
138/63	Rev. 152/64	280/63	Rev. 278/66
141/63	Rev. 184/64	285/63	Rev. 277/68
143/63	Exp.	286/63	Rev. 277/68
144/63	Rev. 239/67	287/63	Rev. 110/69
146/63	Rev. 182/64	289/63	Rev. 111/64
147/63	Rev. 107/66	290/63	Exp.
149/63	Rev. 329/65	293/63	Exp.
152/63	Revkg.	294/63	Rev. 373/66
153/63	Rev. 127/67	297/63	Rev. 177/64
155/63	Rev. 179/67	298/63	Rev. 139/65
156/63	Rev. 1/67	299/63	Rev. 139/65
157/63	Rev. 267/64	301/63	Rev. 1/67
158/63	Revkg.	302/63	Rev. 364/67
159/63	Rev. 267/64	304/63	Rev. 378/66
160/63	Rev. 272/64	309/63	Rev. 309/67
162/63	Revkg.	310/63	Rev. 274/67
163/63	Rev. 316/66	313/63	Rev. 24/65
164/63	Rev. 13/65	314/63	Rev. 260/65
165/63	Rev. 16/64	316/63	Exp.
167/63	Rev. 486/69	317/63	Rev. 301/64
169/63	Rev. 448/70	318/63	Rev. 22/64
171/63	Rev. 359/66	323/63	Rev. 545/70
177/63	Rev. 172/66	326/63	Rev. 14/65
180/63	Revkg.	328/63	Rev. 428/69
181/63	Rev. 316/64	332/63	Rev. 197/64
183/63	Rev. 307/68	334/63	Rev. 168/70
187/63	Rev. 182/64	335/63	Rev. 78/68
189/63	Rev. 139/65	343/63	Rev. 76/67
191/63	Rev. 190/68	344/63	Rev. 152/64
192/63	Rev. 1/67	346/63	Rev. 545/70
193/63	Rev. 364/67	348/63	Rev. 196/69
195/63	Rev. 177/64	349/63	Rev. 325/64
196/63	See S.O. 1966, c. 142, s. 147 (1)	350/63	Rev. 334/64
199/63	Exp.	5/64	Rev. 445/67
202/63	Rev. 28/66	6/64	Rev. 1/67
204/63	Rev. 110/70	9/64	Rev. 309/67
205/63	Rev. 81/69	10/64	Rev. 182/64
210/63	Rev. 235/64	11/64	Rev. 19/65
213/63	Rev. 1/67	12/64	Rev. 329/65
217/63	Rev. 174/66	13/64	Rev. 107/67
218/63	Rev. 50/66	16/64	Rev. 43/65
224/63	Rev. 308/63	17/64	Exp.
225/63	Rev. 131/70	21/64	Rev. 297/65
226/63	Rev. 208/67	24/64	Rev. 355/67
230/63	Rev. 190/68	25/64	See S.O. 1965, c. 72, s. 27
235/63	Rev. 417/67	27/64	Rev. 266/64
237/63	Rev. 229/68	28/64	Rev. 266/64
238/63	Rev. 110/66	30/64	Rev. 1/67
244/63	Rev. 279/64	32/64	Rev. 35/66
246/63	Rev. 139/65	33/64	Rev. 303/65
249/63	Revkg.	34/64	Rev. 301/66
251/63	Rev. 89/64	35/64	Rev. 239/67
254/63	Rev. 35/66	39/64	Rev. 309/64
255/63	Rev. 152/64	42/64	Rev. 107/66
258/63	Rev. 283/64	45/64	Rev. 240/67
261/63	See S.O. 1965, c. 72, s. 27	46/64	Rev. 139/65
262/63	Rev. 264/66	50/64	See S.O. 1964, c. 17, s. 1
266/63	Rev. 127/67	51/64	Rev. 422/69
267/63	Rev. 177/64	52/64	Rev. 545/70
269/63	Rev. 247/65	54/64	Rev. 94/67
272/63	Rev. 1/67	58/64	Rev. 1/67

Ontario Regulations	Disposition	Ontario Regulations	Disposition
59/64	Rev. 364/67	174/64	Rev. 208/67
61/64	Rev. 168/70	177/64	Rev. 159/65
62/64	Rev. 175/65	182/64	Rev. 240/66
67/64	Rev. 302/64	184/64	Rev. 409/69
68/64	Rev. 124/69	187/64	Rev. 217/65
71/64	Rev. 1/67	189/64	Rev. 279/65
72/64	Rev. 99/68	190/64	Rev. 359/66
74/64	See S.O. 1966, c. 48, s. 1	192/64	Rev. 158/65
75/64	See S.O. 1966, c. 48, s. 1	200/64	Rev. 110/69
76/64	Rev. 119/69	201/64	Rev. 188/65
77/64	Rev. 1/67	202/64	Rev. 1/67
78/64	Exp.	206/64	Rev. 139/65
79/64	Exp.	211/64	Rev. 278/65
82/64	Rev. 208/67	212/64	Rev. 229/68
83/64	Rev. 378/66	214/64	Rev. 50/67
86/64	Rev. 320/65	217/64	Rev. 397/66
91/64	Rev. 163/68	218/64	Rev. 8/65
92/64	Rev. 179/67	220/64	Revkg.
93/64	Rev. 208/67	221/64	Rev. 88/66
94/64	Rev. 14/68	222/64	Rev. 262/64
95/64	Rev. 6/65	230/64	Rev. 25/65
96/64	Rev. 6/65	232/64	Rev. 239/67
97/64	Rev. 7/65	233/64	Rev. 364/67
98/64	Rev. 7/65	235/64	Rev. 426/68
99/64	Rev. 38/66	236/64	Rev. 161/68
100/64	Rev. 8/65	241/64	Rev. 303/67
101/64	Rev. 8/65	245/64	Rev. 260/65
102/64	Rev. 38/66	246/64	Rev. 264/66
103/64	Rev. 7/65	247/64	Rev. 102/66
104/64	Rev. 71/67	248/64	Rev. 43/65
107/64	Rev. 208/67	249/64	Rev. 486/69
108/64	Rev. 1/67	250/64	Rev. 274/67
109/64	Rev. 206/67	251/64	Rev. 277/68
111/64	Revkg.	253/64	Rev. 342/69
113/64	Rev. 416/67	254/64	Rev. 366/68
115/64	Rev. 163/67	255/64	Rev. 7/65
120/64	Rev. 302/66	256/64	Rev. 8/65
123/64	Rev. 271/68	257/64	Rev. 9/65
124/64	Rev. 213/65	258/64	Rev. 6/65
125/64	See S.O. 1965, c. 72, s. 27	260/64	Rev. 127/67
126/64	Rev. 38/66	263/64	Rev. 276/66
127/64	Rev. 7/65	264/64	Rev. 529/70
128/64	Rev. 7/65	267/64	Rev. 248/69
129/64	Rev. 200/65	268/64	Rev. 247/69
130/64	Rev. 28/66	269/64	Rev. 375/66
133/64	Rev. 260/65	271/64	Rev. 72/66
134/64	Rev. 359/66	272/64	Rev. 65/67
135/64	Rev. 104/69	273/64	Rev. 66/67
136/64	Rev. 99/68	274/64	Rev. 94/69
137/64	Rev. 1/67	275/64	Rev. 130/70
139/64	Rev. 176/64	276/64	Rev. 469/70
142/64	Rev. 119/69	277/64	Revkg.
143/64	Rev. 7/65	278/64	Rev. 529/70
144/64	Rev. 8/65	279/64	Rev. 342/68
145/64	Rev. 7/65	280/64	Exp.
146/64	Rev. 6/65	281/64	Rev. 277/68
147/64	Rev. 6/65	286/64	Rev. 159/65
148/64	Rev. 8/65	290/64	Rev. 139/65
149/64	Rev. 61/66	291/64	Rev. 217/67
151/64	Rev. 114/69	292/64	Rev. 208/67
152/64	Rev. 158/65	295/64	Rev. 190/68
153/64	Rev. 153/65	298/64	Exp.
156/64	Rev. 139/67	300/64	Rev. 297/65
164/64	Rev. 364/67	301/64	Rev. 314/65
165/64	Rev. 1/67	302/64	Rev. 346/68
169/64	Rev. 4/67	303/64	Rev. 1/67
172/64	Rev. 309/64	304/64	Rev. 364/67

Ontario Regulations	Disposition	Ontario Regulations	Disposition
306/64	Rev. 287/67	111/65	Exp.
307/64	Exp.	113/65	Rev. 109/68
312/64	Rev. 448/70	114/65	Rev. 260/65
313/64	Revkg.	119/65	Rev. 110/66
318/64	Rev. 260/65	130/65	Rev. 190/68
321/64	Rev. 151/65	138/65	Rev. 364/67
326/64	Rev. 420/68	139/65	Rev. 278/68
327/64	Rev. 297/65	145/65	Rev. 208/67
329/64	Rev. 416/67	146/65	Rev. 208/67
330/64	Rev. 417/67	147/65	Rev. 208/67
332/64	Exp.	150/65	Rev. 213/65
333/64	Rev. 166/66	151/65	Rev. 188/65
336/64	Rev. 166/67	153/65	Rev. 288/66
337/64	Rev. 270/66	158/65	Rev. 9/66
338/64	Rev. 239/67	159/65	Rev. 253/66
340/64	Rev. 191/68	160/65	Rev. 168/70
341/64	Rev. 276/66	164/65	Rev. 62/68
345/64	Rev. 511/70	166/65	Rev. 345/69
346/64	Rev. 61/66	167/65	Rev. 1/67
		168/65	Rev. 253/65
6/65	Rev. 39/66	175/65	Rev. 345/68
7/65	Rev. 39/66	177/65	Rev. 208/67
8/65	Rev. 39/66	180/65	Rev. 278/68
9/65	Rev. 40/66	181/65	Rev. 253/66
14/65	Rev. 56/67	188/65	Rev. 103/66
15/65	Rev. 92/66	189/65	Rev. 115/68
18/65	Rev. 25/70	190/65	Rev. 359/66
19/65	Rev. 6/66	194/65	Rev. 208/67
21/65	Rev. 208/67	195/65	Rev. 119/69
26/65	Rev. 64/68	196/65	Rev. 107/67
28/65	Rev. 319/67	197/65	Rev. 364/67
33/65	Rev. 309/67	198/65	Rev. 1/67
35/65	Rev. 314/68	199/65	Rev. 199/66
38/65	Rev. 1/67	200/65	Rev. 331/66
39/65	Rev. 364/67	211/65	Rev. 339/68
40/65	Rev. 364/67	213/65	Rev. 226/69
41/65	Rev. 413/68	217/65	Rev. 1/67
42/65	Rev. 187/65	220/65	Rev. 1/67
43/65	Rev. 24/66	224/65	Rev. 413/68
44/65	Rev. 260/65	230/65	Rev. 40/67
49/65	See S.O. 1966, c. 142, s. 147 (1)	232/65	Rev. 99/68
		236/65	Rev. 278/68
50/65	Rev. 163/68	237/65	Rev. 318/68
51/65	Rev. 213/65	238/65	Rev. 16/68
52/65	Rev. 190/68	239/65	Rev. 389/69
55/65	Rev. 188/65	240/65	Exp.
57/65	Exp.	252/65	Rev. 72/67
65/65	Rev. 416/67	253/65	Rev. 364/67
67/65	Rev. 1/67	254/65	Rev. 373/66
68/65	Rev. 239/65	260/65	Rev. 75/67
71/65	Rev. 61/70	261/65	Rev. 127/67
77/65	Rev. 387/69	265/65	Rev. 335/66
78/65	Rev. 199/65	266/65	Rev. 278/68
79/65	Rev. 1/67	267/65	Rev. 235/68
81/65	Rev. 208/67	272/65	Rev. 278/68
82/65	Rev. 208/67	277/65	Rev. 263/67
84/65	Rev. 445/67	278/65	Revkg.
85/65	Rev. 364/67	279/65	Revkg.
86/65	Rev. 1/67	282/65	Rev. 44/66
92/65	Rev. 61/70	283/65	Rev. 129/67
95/65	Rev. 104/67	284/65	Rev. 303/65
96/65	Exp.	288/65	Rev. 107/67
102/65	Exp.	292/65	Rev. 401/68
103/65	Exp.	293/65	Rev. 304/67
106/65	Rev. 239/67	295/65	Rev. 68/68
107/65	Rev. 260/65	298/65	Rev. 76/67
110/65	Rev. 416/67	300/65	Rev. 75/67

Ontario Regulations	Disposition	Ontario Regulations	Disposition
301/65	Rev. 190/68	98/66	Rev. 75/67
303/65	Revkg.	100/66	Rev. 190/68
304/65	Rev. 263/67	101/66	Rev. 366/68
305/65	Exp.	105/66	Exp.
306/65	Rev. 103/66	108/66	Rev. 327/69
309/65	Rev. 290/68	110/66	Revkg.
310/65	Rev. 131/70	111/66	Exp.
311/65	Rev. 199/66	118/66	Rev. 327/69
313/65	Rev. 491/70	119/66	Rev. 361/66
314/65	Rev. 389/66	122/66	Exp.
320/65	Rev. 296/66	123/66	Exp.
321/65	Rev. 1/67	124/66	Exp.
322/65	Rev. 109/68	127/66	Rev. 68/68
323/65	Rev. 511/70	132/66	Rev. 351/67
329/65	Revkg.	136/66	Rev. 1/67
334/65	Rev. 97/68	137/66	Rev. 364/67
337/65	Rev. 422/69	138/66	Exp.
342/65	Rev. 129/67	139/66	Rev. 24/67
343/65	Rev. 196/67	141/66	Revkg.
344/65	Rev. 44/66	145/66	Rev. 75/67
345/65	Rev. 309/67	146/66	Rev. 276/67
348/65	Rev. 428/69	148/66	Rev. 310/66
349/65	Rev. 427/69	149/66	Rev. 422/69
351/65	Rev. 24/66	155/66	Rev. 75/67
354/65	Rev. 104/67	157/66	Rev. 422/69
		159/66	Rev. 56/67
1/66	Rev. 145/66	161/66	Rev. 194/66
5/66	Rev. 61/70	168/66	Rev. 229/68
6/66	Rev. 36/67	169/66	Rev. 366/68
9/66	Rev. 295/67	170/66	Rev. 283/69
10/66	Rev. 68/68	171/66	Rev. 226/69
13/66	Rev. 395/66	173/66	Rev. 110/69
15/66	Rev. 191/68	174/66	Revkg.
16/66	Rev. 190/68	175/66	Rev. 61/70
17/66	Rev. 341/66	176/66	Rev. 75/67
18/66	Rev. 271/68	178/66	Rev. 350/66
24/66	Rev. 24/67	181/66	Rev. 1/67
31/66	Exp.	186/66	Rev. 445/67
33/66	Rev. 359/66	194/66	Rev. 68/68
36/66	Rev. 341/66	199/66	Revkg.
37/66	Rev. 295/67	200/66	Rev. 417/67
38/66	Rev. 366/68	210/66	Rev. 1/67
39/66	Rev. 366/68	213/66	Rev. 68/68
40/66	Rev. 366/68	218/66	Rev. 75/67
45/66	Rev. 85/66	219/66	Rev. 519/70
46/66	Rev. 368/69	227/66	Rev. 366/68
49/66	Exp.	232/66	Rev. 82/67
50/66	Revkg.	236/66	Rev. 141/68
51/65	Rev. 229/68	247/66	Rev. 1/67
54/66	Rev. 68/68	248/66	Rev. 75/67
56/66	Rev. 163/68	253/66	Rev. 272/67
57/66	Rev. 164/68	256/66	Rev. 24/67
62/66	Rev. 314/68	257/66	Rev. 359/66
64/66	Rev. 345/69	259/66	Rev. 287/66
65/66	Exp.	266/66	Rev. 359/66
67/66	Rev. 155/66	271/66	Exp.
76/66	Rev. 68/68	272/66	Rev. 278/68
77/66	Exp.	276/66	Rev. 29/70
80/66	Rev. 171/66	277/66	Rev. 104/67
83/66	Rev. 276/66	279/66	Rev. 346/68
84/66	Rev. 325/69	283/66	Rev. 448/70
85/66	Rev. 68/68	285/66	Rev. 68/68
89/66	Rev. 69/67	287/66	Rev. 324/66
90/66	Rev. 449/69	288/66	Rev. 294/67
92/66	Revkg.	296/66	Rev. 408/67
94/66	Rev. 416/67	300/66	Rev. 282/68
96/66	Rev. 327/69	303/66	Rev. 82/68

Ontario Regulations	Disposition	Ontario Regulations	Disposition
304/66	Rev. 68/68	123/67	Rev. 68/68
306/66	Rev. 68/68	127/67	Revkg.
307/66	Rev. 196/67	129/67	Revkg.
314/66	Rev. 295/67	134/67	Exp.
319/66	Rev. 359/66	135/67	Exp.
322/66	Rev. 64/68	136/67	Exp.
323/66	Rev. 62/68	140/67	Rev. 62/68
324/66	Rev. 75/67	144/67	Rev. 110/69
326/66	Rev. 1/67	147/67	Exp.
327/66	Rev. 364/67	157/67	Rev. 163/68
330/66	Rev. 272/67	159/67	Rev. 77/68
334/66	Rev. 278/68	160/67	Rev. 12/69
335/66	Rev. 277/68	163/67	Rev. 175/69
336/66	Rev. 129/70	165/67	Rev. 366/68
338/66	Rev. 75/67	167/67	Rev. 327/69
340/66	Revkg.	170/67	Rev. 345/68
341/66	Revkg.	172/67	Rev. 376/67
342/66	Rev. 277/68	173/67	Rev. 68/68
345/66	Rev. 229/68	175/67	Rev. 68/68
351/66	Rev. 24/67	186/67	Rev. 364/67
354/66	Rev. 192/68	188/67	Rev. 198/69
355/66	Rev. 190/68	192/67	Rev. 307/68
357/66	Exp.	203/67	Rev. 448/69
360/66	Rev. 327/69	206/67	Rev. 99/68
365/66	Rev. 284/69	208/67	Revkg.
367/66	Rev. 178/70	209/67	Rev. 61/70
372/66	Rev. 420/68	212/67	Rev. 147/69
375/66	Rev. 166/69	215/67	Rev. 469/69
376/66	Rev. 364/67	222/67	Rev. 107/68
377/66	Rev. 75/67	225/67	Rev. 382/69
378/66	Rev. 441/69	228/67	Rev. 306/67
379/66	Rev. 448/70	235/67	Rev. 354/67
381/66	Rev. 427/69	236/67	Rev. 25/70
389/66	Rev. 452/67	237/67	Rev. 364/67
391/66	Rev. 173/67	247/67	Rev. 110/70
395/66	Rev. 75/67	250/67	Rev. 188/69
		253/67	Rev. 155/68
14/67	Rev. 75/67	255/67	Rev. 400/67
21/67	Exp.	257/67	Rev. 61/70
23/67	Rev. 68/68	261/67	Rev. 110/69
24/67	Rev. 43/68	263/67	Rev. 16/69
28/67	Rev. 172/67	264/67	Rev. 12/69
31/67	Rev. 365/67	268/67	Rev. 110/70
36/67	Rev. 25/68	270/67	Rev. 29/70
38/67	Rev. 352/67	272/67	Rev. 237/69
39/67	Rev. 99/68	273/67	Rev. 277/68
40/67	Rev. 155/68	274/67	Rev. 277/68
42/67	Rev. 269/69	276/67	Rev. 177/69
48/67	Rev. 94/68	286/67	Rev. 29/70
52/67	Rev. 190/68	291/67	Rev. 110/70
54/67	Rev. 416/67	293/67	Rev. 327/69
65/67	Rev. 250/69	294/67	Rev. 235/69
66/67	Rev. 249/69	295/67	Rev. 406/69
67/67	Rev. 417/67	298/67	Rev. 159/69
71/67	Revkg.	300/67	Rev. 364/67
73/67	Rev. 235/67	306/67	Rev. 159/69
75/67	Rev. 159/69	308/67	Rev. 386/68
82/67	Revkg.	311/67	Rev. 445/67
87/67	Rev. 185/68	312/67	Rev. 445/67
88/67	Rev. 416/67	313/67	Rev. 445/67
100/67	Rev. 257/69	321/67	Rev. 364/67
104/67	Rev. 399/70	324/67	Rev. 119/69
105/67	Rev. 311/69	325/67	Rev. 280/68
106/67	Rev. 275/70	329/67	Rev. 241/68
110/67	Rev. 68/68	337/67	Rev. 382/69
115/67	Exp.	339/67	Rev. 68/68
118/67	Rev. 345/67	340/67	Rev. 286/68

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341/67	Rev. 43/68	147/68	Exp.
344/67	Rev. 458/69	154/68	Rev. 420/68
346/67	Rev. 141/69	157/68	Rev. 310/68
348/67	Rev. 256/69	165/68	Rev. 190/68
349/67	Rev. 278/68	167/68	Rev. 159/69
351/67	Rev. 190/68	168/68	Rev. 327/69
352/67	Rev. 76/69	172/68	Rev. 82/69
354/67	Rev. 109/68	177/68	Rev. 169/69
355/67	Rev. 190/68	182/68	Rev. 49/69
369/67	Rev. 279/68	185/68	Revkg.
373/67	Rev. 43/68	188/68	Rev. 133/70
375/67	Rev. 278/68	192/68	Revkg.
376/67	Rev. 117/68	194/68	Revkg.
378/67	Rev. 275/70	196/68	Rev. 159/69
383/67	Rev. 449/67	202/68	Rev. 61/70
384/67	Rev. 278/68	212/68	Rev. 327/69
392/67	Exp.	219/68	Rev. 401/70
401/67	Rev. 345/69	220/68	Rev. 146/70
404/67	Rev. 327/69	225/68	Rev. 399/70
408/67	Rev. 258/68	232/68	Rev. 409/69
413/67	Rev. 68/68	233/68	Rev. 164/69
416/67	Revkg.	240/68	Rev. 45/69
417/67	Revkg.	241/68	Rev. 235/69
418/67	Rev. 394/69	242/68	Rev. 127/69
437/67	Rev. 310/68	244/68	Rev. 420/68
441/67	Rev. 279/68	257/68	Rev. 159/69
442/67	Rev. 555/70	258/68	Rev. 444/68
449/67	Rev. 133/70	265/68	Rev. 315/68
452/67	Rev. 146/69	268/68	Rev. 112/69
453/67	Rev. 327/69	271/68	Revkg.
456/67	Rev. 109/68	278/68	Rev. 25/69
458/67	Rev. 74/69	279/68	Rev. 237/69
		281/68	Rev. 133/70
1/68	Rev. 147/69	282/68	Revkg.
7/78	Rev. 155/68	288/68	Rev. 315/68
8/68	Rev. 275/70	295/68	Rev. 62/69
25/68	Rev. 40/69	297/68	Rev. 406/69
30/68	Rev. 12/69	299/68	Rev. 133/70
38/68	Rev. 310/68	313/68	Revkg.
43/68	Rev. 82/69	315/68	Revkg.
45/68	Rev. 133/70	318/68	Rev. 119/69
46/68	Rev. 312/68	319/68	Rev. 25/69
51/68	Rev. 337/68	324/68	Rev. 159/69
54/68	Rev. 298/69	328/68	Rev. 311/69
60/68	Rev. 82/69	329/68	Rev. 330/68
69/68	Rev. 146/70	330/68	Rev. 159/69
71/68	Rev. 145/70	336/68	Rev. 126/69
78/68	Rev. 198/68	356/68	Rev. 82/69
79/68	Rev. 487/69	357/68	Rev. 237/69
84/68	Rev. 12/69	363/68	Rev. 25/69
90/68	Rev. 441/69	368/68	Rev. 332/70
91/68	Rev. 182/68	376/68	Rev. 159/69
92/68	Rev. 282/68	377/68	Rev. 382/69
93/68	Rev. 260/68	378/68	Rev. 223/69
94/68	Rev. 162/68	384/68	Rev. 409/69
101/68	Rev. 273/68	390/68	Rev. 25/69
111/68	Rev. 157/68	401/68	Revkg.
115/68	Rev. 61/70	406/68	Rev. 555/70
119/68	Rev. 331/68	408/68	Rev. 62/69
124/68	Rev. 441/69	410/68	Rev. 159/69
125/68	Rev. 194/68	412/68	Rev. 487/69
132/68	Rev. 145/70	413/68	Revkg.
134/68	Rev. 254/68	416/68	Exp.
136/68	Exp.	428/68	Rev. 237/69
141/68	Revkg.	435/68	Rev. 256/69
142/68	Rev. 284/69	437/68	Rev. 133/70
146/68	Exp.	444/68	Rev. 108/69

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5/69	Rev. 184/69	349/69	Rev. 355/70
12/69	Rev. 399/70	355/69	Revkg.
16/69	Revkg.	385/69	Rev. 145/70
21/69	Rev. 159/69	387/69	Revkg.
24/69	Rev. 449/69	391/69	Rev. 244/70
40/69	Rev. 181/70	394/69	Revkg.
52/69	Rev. 133/70	395/69	Revkg.
54/69	Rev. 181/70	396/69	Revkg.
64/69	Rev. 463/69	401/69	Rev. 490/69
67/69	Rev. 306/69	407/69	Revkg.
69/69	Rev. 263/69	416/69	Rev. 291/70
82/69	Rev. 58/70	427/69	Revkg.
84/69	Rev. 275/70	428/69	Revkg.
108/69	Rev. 273/69	433/69	Rev. 244/70
110/69	Rev. 451/69	463/69	Revkg.
114/69	Revkg.	470/69	Rev. 146/70
116/69	Rev. 292/69	472/69	Exp.
127/69	Rev. 308/69	478/69	Rev. 133/70
128/69	Exp.	499/69	Rev. 146/70
138/69	Rev. 407/69		
159/69	Rev. 291/70		
167/69	Rev. 489/70	1/70	Rev. 329/70
174/69	Rev. 399/70	14/70	Rev. 350/70
180/69	Rev. 382/69	21/70	Rev. 291/70
186/69	Rev. 133/70	96/70	Rev. 146/70
192/69	Rev. 463/69	122/70	Rev. 291/70
198/69	Rev. 501/70	156/70	Rev. 286/70
202/69	Exp.	160/70	Rev. 291/70
222/69	Rev. 340/69	171/70	Rev. 291/70
224/69	Rev. 133/70	196/70	Rev. 356/70
227/69	Rev. 382/69	219/70	Rev. 475/70
231/69	Rev. 264/69	220/70	Rev. 351/70
235/69	Rev. 311/70	235/70	Rev. 448/70
237/69	Rev. 244/70	255/70	Rev. 399/70
246/69	Rev. 255/69	262/70	Rev. 501/70
256/69	Rev. 426/69	330/70	Rev. 445/70
258/69	Rev. 146/70	357/70	Rev. 367/70
263/69	Revkg.	358/70	Rev. 367/70
264/69	Revkg.	359/70	Rev. 367/70
271/69	Rev. 291/70	360/70	Rev. 367/70
273/69	Rev. 329/70	361/70	Rev. 367/70
297/69	Rev. 58/70	363/70	Rev. 367/70
306/69	Revkg.	364/70	Rev. 367/70
308/69	Rev. 178/70	365/70	Rev. 367/70
327/69	Revkg.	411/70	Rev. 473/70
347/69	Rev. 12/70	422/70	Rev. 455/70











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